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# FEDERAL REGISTER

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# Rules and Regulations

## Title 6—AGRICULTURAL CREDIT

### Chapter I—Farm Credit Administration

SUBCHAPTER B—FEDERAL FARM LOAN SYSTEM

### Part 10—Federal Land Banks Generally

In order to reflect changes made in a general revision of the Federal Land Bank Manual issued as of December 31, 1959, Part 10, Subchapter B, Chapter I of Title 6 of the Code of Federal Regulations, is revised to read as hereafter set forth.

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10.2 Same; farming operations.
10.3 Same; farming corporations.
10.5 Same; joint owners.
10.6 Same; fiduciaries.
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Subpart—Bonds


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10.120 Same; less than entire issue.
10.120a Exchanges and assignments of consolidated bonds.
10.120b Basis of relief on account of lost, stolen, destroyed, mutilated, or defaced consolidated bonds or coupons.
10.120c Claims and proof for lost, stolen, destroyed, mutilated, or defaced consolidated bonds or coupons.
10.120d Restrictive endorsements of bearer securities.
10.121 Lost or stolen bonds and coupons issued by a bank individually.
10.122 Same; bond of indemnity.


AUTHORITY: §§ 10.1 to 10.122 issued under sec. 6, 47 Stat. 14, as amended; 12 U.S.C. 665.

NOTE: That part of each section number which follows the first decimal is the same as the section number of the corresponding provision in the Federal Land Bank Manual, except for §§ 10.120a, 10.120b, 10.120c, and 10.120d which do not appear in the manual. Where the word "bank" appears alone, it refers to a Federal land bank; the word "association" refers to a Federal land bank association; the word "Administration" refers to the Farm Credit Administration.

### Subpart—Eligibility

**§ 10.1 Eligibility of applicants.**

An eligible person as used in section 12 Sixth of the Federal Farm Loan Act (12 U.S.C. 771 Sixth) is one who is engaged, or shortly to become engaged, in farming operations or who derives the principal part of his income from farming operations.

**§ 10.2 Same; farming operations.**

A person will be deemed to be engaged in farming operations if, in the capacity of owner, lessee, or tenant of a farm, he actively participates personally or through an agent to a substantial degree in the management and conduct of the farming operations on any farm land.

**§ 10.3 Same; farming corporations.**

The term "person" includes a corporation engaged in farming operations. Loans may be made to such a corporation provided that (a) more than one-half of its income is derived from farming operations, (b) one or more individuals owning a substantial portion of the outstanding stock of the corporation are engaged in farming operations in connection with the farm to be mortgaged as security for the loan, and (c) one or more individuals owning a substantial portion of the outstanding stock of the corporation assume personal liability for the loan. Requirements (b) and (c) may be met by either the same or different individuals.

**§ 10.5 Same; joint owners.**

An application offering jointly held property as security may be accepted if it is signed by one or more of the joint owners, on behalf of all of the joint owners, provided it is understood that all of the owners will join in a mortgage if a loan is approved.

**§ 10.6 Same; fiduciaries.**

Loans may be made to an executor, administrator, trustee, or guardian if (a) the fiduciary, as such, or the beneficiary or ward is engaged, or shortly to become engaged, in farming operations, or derives the principal part of his income from farming operations; (b) a valid lien can or will be given on the property on which the loan is sought; and (c) an individual sufficiently interested to do so, can and will incur personal liability for the loan.

**§ 10.7 Eligibility of purposes.**

The statutory provision as to the purposes for which loans may be made is as follows (12 U.S.C. 771 Fourth):

Such loans may be made for general agricultural purposes and other requirements of the owner of the land mortgaged, under rules and regulations of the Farm Credit Administration.

While many of them might be placed in either category, the recognized purposes are as hereafter listed under the headings § 10.8 *Same; general agricultural purposes* and § 10.9 *Same; other requirements of the owner.*

**§ 10.8 Same; general agricultural purposes.**

(a) Purchase and improvement of farm real estate;
(b) Purchase of livestock, equipment, and supplies;
(c) Payment of farm operating expenses, including taxes and insurance;
(d) Provide a home for use in connection with farm operation;
(e) Removal of a lien from farm land;
(f) Refinance indebtedness incurred for any of the foregoing purposes or reimburse applicant for amounts spent out of his own funds for such purposes.

**§ 10.9 Same; other requirements of the owner.**

(a) Provide a home for the owner or his family;
(b) Pay family living expenses, including premiums on life insurance, educational, medical, and funeral expenses;
(c) Provide facilities for processing, storage, and marketing of farm products, and the handling of farm equipment and supplies, even though not located on the mortgaged farm;
(d) Discharge any bona fide liability of the owner, including income and other taxes, judgments, liens, liability as endorser or surety for the debt of another, etc.;
(e) If the owner is personally actually engaged in farming operations or receives the principal part of his income from farming operations, assist him or other family members in establishing and maintaining themselves, together or separately, on or off the farm.

### Subpart—Security

**§ 10.11 Security standards.**

To be acceptable security for a loan, a property must meet each of the following minimum standards:
(a) It must be sufficiently desirable to be readily salable or rentable under normal agricultural conditions.
(b) It must be sufficiently durable to maintain satisfactory production during the loan term specified.
(c) It must have sufficient stability of value to assure that, on a loan that would be proper to a typical owner of the property, the bank could recover its

investment if unforeseen difficulties should result in acquirement of the property.

(d) It must be capable of producing, under typical operation, sufficient normal agricultural earnings to pay farm operating expenses, including taxes and other fixed charges, maintain the property, and meet family living expenses and installments on a loan that would be proper to a typical operator: *Provided,* That where income from dependable sources other than farm earnings is available to a typical operator, such income may be relied upon to meet loan installments and family living expenses including that part of the taxes, insurance, and maintenance costs chargeable to the dwelling.

**§ 10.12 Normal agricultural value.**

The normal agricultural value of a farm is the amount a typical purchaser would, under usual conditions, be willing to pay and be justified in paying for the property for customary agricultural uses, including farm home advantages, with the expectation of receiving normal net earnings from the farm and from other dependable sources.

**§ 10.13 Basis of loan and appraisal.**

The normal agricultural value of a farm shall be the basis for a loan. In making the appraisal the net earnings of the farm shall be determined by using normal commodity prices and the related level of farm operating costs. Normal prices and related costs shall be determined on the basis of the long-term economic outlook and be approved by the Administration. Likewise, the net earnings from other dependable sources shall be on a normal level that reflects the same long-term economic outlook.

## Subpart—Limitations and Requirements

**§ 10.33 Bona fide ownership.**

A loan should not be made in any case if the ownership of the security by the applicant(s) is not bona fide, or if it was acquired with the intention to reconvey after the loan is closed in order to avoid limitations as to eligibility of person or amount of loan.

**§ 10.34 Computing amount loanable to applicant.**

(a) *Limitation.* The amount of any loan made by a bank may not exceed 10 percent of the legal reserve, surplus reserve, and earned surplus, as of the end of the preceding semiannual period (June 30 or December 31), of the bank making the loan; and the amount of loans to any one borrower, computed as hereinafter provided, may not exceed such 10 percent limitation.

(b) *Individuals.* In determining the amount loanable to an individual, within such 10 percent limitation, there shall be charged against his borrowing capacity the total unpaid principal of all indebtedness to any bank of the system which is secured by property presently owned or being acquired by him, either individually or jointly with others, or for which he is personally liable. The amount of any loan to a corporation engaged in farming operations shall be charged against the individual borrowing capacity of each stockholder who assumes personal liability for the loan to the corporation.

(c) *Farming corporations.* In determining the amount loanable to a corporation engaged in farming operations, within such 10 percent limitation, there shall be charged against its borrowing capacity the total unpaid principal of all indebtedness to any bank of the system which is secured by property presently owned or being acquired by it, or for which it is liable. The amount loaned to a corporation shall be limited to such amount as will not cause the amount chargeable against the borrowing capacity of any stockholder to exceed such 10 percent limitation.

**§ 10.40 Insurance.**

(a) *General requirements.* (1) Insurance on buildings shall be required against such risks and in such amounts as the bank may determine to be necessary for adequate protection of the interests of the bank and the endorsing association, and shall afford the same protection provided under the New York standard mortgage clause.

(2) Insurance requirements on existing loans may be reduced or discontinued upon the request of the borrower or on the initiative of the bank or association when such action is not prejudicial to the interest of the bank and the association.

(3) A bank may delegate to associations full or limited authority with respect to the determination of insurance requirements.

(b) *Application of loss proceeds.* (1) The bank may, in its discretion, permit individual losses not in excess of an amount fixed by the bank with due regard to adequate protection of the mortgagee to be paid directly to the mortgagor for use in the prompt reconstruction of the buildings destroyed.

(2) At the option of a mortgagor and subject to the provisions of these regulations any sum received in settlement of a loss covered by insurance required by these regulations may be used to pay for the reconstruction of the buildings involved. Upon giving notice of the exercise of such option or within 30 days thereafter, unless such time for good cause be extended, the mortgagor shall furnish information in such form as shall be satisfactory covering the plans of the mortgagor for the reconstruction of the building involved in sound and serviceable form and condition, at least equal to that which existed immediately prior to the loss. Within said 30 days the mortgagor shall also furnish satisfactory assurance that such reconstruction will be completed within a reasonable time, and that there will be no unsatisfied liens for labor, materials, and/or other expenses that will have priority over the mortgage when such reconstruction shall have been completed or when the said sum received shall have been paid to or for the account of the mortgagor. If the mortgagor desires to use the insurance money in whole or in part in order to replace the building involved with an insurable building of a less expensive type, or to substitute any other insurable building, the funds may be used for such purpose provided the bank or association is satisfied that the proposed building will be suitable and adequate to the agricultural needs of the farm.

(3) If the mortgagor fails or refuses to exercise his option in accordance with these regulations, or to comply with all of the conditions of these regulations with respect thereto, or if the mortgage be in process of foreclosure, or if the mortgagor be in default in such manner that the mortgage is subject to foreclosure, the sum received may be retained for application upon the indebtedness secured by such mortgage or as collateral security therefor. Any portion of the sum received which is not used for reconstruction may also be retained for application upon the indebtedness or as collateral security therefor.

## Subpart—Interest Rates

**§ 10.42 Special interest rates.**

Subject to the maximum interest rate of 6 percent per annum prescribed by law, approval is given to an interest rate one-half of 1 percent per annum in excess of the interest rate otherwise authorized for bank loans through associations secured by first mortgages on the following farm property in the continental United States:

(a) Land that is employed primarily in the production of naval stores as defined by section 2 of the Naval Stores Act (sec. 2, 42 Stat. 1435; 7 U.S.C. 92);

(b) Land used for the raising of livestock, in estimating the earning power and in establishing the value of which leases or permits for the use of other lands were taken into consideration and were a factor in determining the amount of the loan; and

(c) Land, a substantial part of the earnings from which is derived from orchard crops.

## Subpart—Repayment Plans

**§ 10.42–50 Deferments.**

(a) *Statutory authority.* The statutory provision as to deferments is as follows (12 U.S.C. 781 Nineteenth):

> To permit any borrower to defer payment of the principal portions of installments on his loan in order that he may pay, in whole or in part, any indebtedness which is secured by a lien junior to the lien of the bank upon the farm land mortgaged to secure his loan. Such a deferment may be permitted for other purposes for a period not exceeding 5 years under regulations prescribed by the Farm Credit Administration.

(b) *New loans.* Deferments may be granted as a part of making a loan and the original amortization plan may be drawn accordingly. However, no deferment shall be granted or promised when a loan is made which would have the effect of extending the period of repayment for more than 40 years or for more than the maximum term for which the appraiser states the security is suitable.

(c) *Outstanding loans.* The total period of deferment for purposes other than to pay off a junior lien shall not

exceed 5 years during the life of the loan, although the deferment may be for a longer period if the purpose is to pay off a junior lien. Only in exceptional cases should deferments be granted which would extend the repayment of the loan for more than 40 years from its making or beyond the term for which the appraiser stated the security is suitable. Deferments exceeding the limitations indicated herein may be granted in certain circumstances when necessary to work out a delinquency situation.

**§ 10.42–51 Unamortized or partially amortized loans.**

(a) *General.* Loans ordinarily should be made on an amortization plan requiring a fixed number of one or more principal payments each year sufficient to liquidate the loan during the specified term of years (referred to herein as being "fully amortized"). If indicated by the special circumstances of a borrower, principal payments may be deferred as provided in § 10.42–50 of this chapter, or a loan may be made on an unamortized or partially amortized basis as hereinafter provided.

(b) *Security requirements.* Unamortized or partially amortized loans may be made only on security which is deemed acceptable for a fully amortized maximum loan for the term which usually would be allowed under the policy followed by the bank for the type of farm involved. If the characteristics of a particular security make it subject to more than the usual hazards for that type of property, it should be considered ineligible for an unamortized or partially amortized loan.

(c) *Limitation on amount of loan and repayment schedule.* If a fully amortized maximum loan for a term of 30 years or more would be allowed on the security offered, an unamortized loan or a partially amortized loan may be made up to that amount. In all other circumstances, the outstanding balance of an unamortized or partially amortized loan should not at any time substantially exceed the amount which would be outstanding under a fully amortized maximum loan for the term which usually would be allowed under the policy followed by the bank for the type of farm involved. In applying this limitation, however, allowance may be made for an initial deferment of principal for 5 years as is permitted for a fully amortized maximum new loan.

(d) *Term limitations.* An unamortized loan may not be made for a term of more than 10 years. On partially amortized loans, the term may not exceed that for which a fully amortized loan would be made on the type of farm involved and the period during which no principal payments are scheduled may not exceed 10 years.

(e) *Existing loans.* The payment of existing loans may be rescheduled on an unamortized or partially amortized basis subject to the same limitations as those applicable to new loans. In applying such limitations, unless an existing appraiser's report on the identical security can be utilized as permitted in connection with a new loan, a current appraisal report should be obtained.

## Subpart—Payments

**§ 10.47 Future payment funds.**

Future payment funds shall be held for subsequent credit upon indebtedness to the bank except in cases of unusual circumstances where the release of the funds is justified.

**§ 10.48 Same; terms and conditions.**

Future payment funds accepted prior to January 1, 1954, for subsequent credit upon indebtedness to the bank shall continue to be held under such terms and conditions as were agreed upon at the time of their acceptance. As to future payment funds accepted on or after January 1, 1954, the agreement with the borrower shall specify the rate of interest to be allowed on such funds at a rate determined by the board of directors of the bank, and such agreement shall include and be consistent with the terms and conditions prescribed by statute for such funds (12 U.S.C. 781 Eighteenth). The form of such agreement, its conformity with the terms and conditions prescribed by statute, and the procedure for making it effective with the borrower shall have the approval of the district general counsel.

**§ 10.52 Release of personal liability.**

In case of the sale of land mortgaged to the bank and the assumption of the mortgage by the purchaser, a former owner or other person liable for the mortgage debt may be released from personal liability therefor: *Provided:*

(a) In the opinion of the bank, there is reasonable assurance that the assumptor of the mortgage will pay the loan in accordance with its terms; and

(b) The applicant for the release has transferred to the assumptor all his interests, if any, in the stock issued in connection with a bank loan from which he desires to be released of liability; and

(c) The endorsing association, if active, consents to the release; and

(d) Such title or other requirements are met as the bank or the bank's counsel may consider necessary or advisable for the protection of the mortgagee's interests.

## Subpart—Retirement of Stock

**§ 10.53 General policy.**

It is the general policy of the Administration that the bank stock issued in connection with a loan made through an association shall not be retired in whole or in part until the loan has been paid in full except in individual cases where unusual circumstances are involved. Within the limitations and restrictions of section 7 (12 U.S.C. 722) and section 14 (12 U.S.C. 791 Fourth) of the Federal Farm Loan Act and applicable regulations of the Administration, and subject to authorization being given by the bank's board of directors by appropriate resolution, the Administration approves, under section 7 of the Federal Farm Loan Act (12 U.S.C. 721), the retirement of bank stock held as collateral for the payment of a loan, in the following cases or circumstances:

(a) Where the amount of bank stock held as security for a loan is substantially in excess of 5 percent of the unpaid balance of the loan and the bank determines that retirement of the excess stock is advisable;

(b) If the terms and conditions under which a bank holds future payment funds so permit, then, when the amount of stock and the future payment funds held in connection with a loan are sufficient to pay off the loan in full, they may be so applied and the stock may be retired for that purpose;

(c) When the amount of bank stock held as security for a loan is sufficient to complete payment of the loan, the bank may retire its stock and, with the consent of the association, credit an amount equal to the par value thereof as a last payment on the retiring borrower's loan;

(d) When a loan is called for foreclosure, or when a loan has been declared due and payable for the purpose of accepting deed, the bank may retire the related stock and apply the proceeds to the indebtedness concurrently with the transfer of the loan to the loans called for foreclosure account or at any time thereafter, not later than the date of recording the acquisition of the underlying security on the books of the bank;

(e) Where the mortgaged security for a land bank loan is transferred and the present owner thereof assumes the mortgage indebtedness, but either fails to acquire ownership of the stock interest on such loan or does not qualify for membership in the association endorsing the loan;

(f) Where the mortgaged security for a land bank loan is transferred and the present owner thereof assumes the mortgage indebtedness, is or becomes a member of the association endorsing the loan, and owns or acquires stock therein to the extent of 5 percent of the unpaid balance of the loan to be held as collateral for such loan;

(g) The bank stock may be retired so that the proceeds thereof may be applied to the related bank loan in any case where the bank finds that there is not sufficient equity in the security or probability of recovery from the borrower to justify further expenditure in connection therewith.

## Subpart—Mineral Rights

**§ 10.64 Holding mineral rights for more than 5 years.**

In cases where, in connection with a sale of bank-owned real estate, the bank has retained royalty or other rights in or to minerals, and desires to hold such rights for a period in excess of 5 years, it is not considered that the bank has both "title and possession" of real estate within the meaning of section 13 Fourth (b) of the Federal Farm Loan Act (12 U.S.C. 781 Fourth(b)). However, retention of such minerals and mineral rights for periods in excess of 5 years, when in the bank's opinion it is in the bank's interest to do so, has the approval of the Administration.

### Subpart—Bonds

**§ 10.119 Method of calling consolidated Federal farm loan bonds.**

When any Federal land bank shall desire to call for redemption any consolidated Federal farm loan bonds outstanding on its behalf, it shall, pursuant to appropriate authorization of the 12 Federal land banks, file with the Administration, at least 20 days prior to the date on which the call is to become effective, a certified copy of a resolution of its board of directors authorizing such call. The Administration shall, at least 15 days prior to the date on which the call is to become effective, approve or disapprove the call and, if the call is approved, shall cause formal notice thereof to be published, at least 15 days prior to the effective date of the call, in the FEDERAL REGISTER and through any other facilities that the Administration may elect. Such notice shall describe the bonds so called for redemption and shall designate the place or places where and the date on and after which they will be payable. Approval of the call and publication of notice as herein required shall be deemed a complete call. From the date of redemption designated in any such notice, interest on the bonds called for redemption shall cease.

**§ 10.120 Same; less than entire issue.**

In any case in which it is desired to call for redemption less than all of the outstanding bonds of any issue or issues, the bonds to be so called shall be selected in such manner as the Administration shall prescribe.

**§ 10.120a Exchanges and assignments of consolidated bonds.**

(a) Consolidated bonds issued by the 12 Federal land banks dated before 1959 may be exchanged for bonds of the same issue, and assignments of registered consolidated bonds of all such issues may be effected, under and in accordance with the regulations of the United States Treasury Department governing exchanges and transfers of United States bonds.

(b) Consolidated bonds issued by the 12 Federal land banks dated after 1958 may be exchanged for bonds of the same issue, and assignments of registered consolidated bonds of all such issues may be effected, under and in accordance with the regulations of the United States Treasury Department governing exchanges and transfers of United States bonds, with the following exceptions: Denominational exchanges of coupon bonds may be effected at the Federal Reserve Bank of New York only. Exchanges as between coupon bonds and registered bonds and changes of registration may be effected at the Division of Loans and Currency, Treasury Department, Washington, D.C., or through the Federal Reserve Bank of New York.

**§ 10.120b Basis of relief on account of lost, stolen, destroyed, mutilated, or defaced consolidated bonds or coupons.**

The statutes of the United States, now or hereafter in force, and the regulations of the Treasury Department, now or hereafter in force, governing relief on account of the loss, theft, destruction, mutilation, or defacement of United States securities, and the regulations of the Treasury Department, now or hereafter in force, governing the payment of mutilated or defaced coupons of United States securities, so far as such statutes and regulations may be applicable, and as modified to relate to consolidated Federal farm loan bonds, and coupons of such bonds, shall govern the granting of relief on account of lost, stolen, destroyed, mutilated, or defaced consolidated Federal farm loan bonds, and mutilated or defaced coupons of such bonds.

**§ 10.120c Claims and proof for lost, stolen, destroyed, mutilated, or defaced consolidated bonds or coupons.**

Claims shall be presented, and proof shall be made, by applicants for relief on account of the loss, theft, destruction, mutilation, or defacement of consolidated Federal farm loan bonds, and the mutilation or defacement of coupons of such bonds, in accordance with the statutes of the United States, now or hereafter in force, and the regulations of the Treasury Department, now or hereafter in force, with respect to securities of the United States, and coupons of such securities.

**§ 10.120d Restrictive endorsements of bearer securities.**

When consolidated coupon bonds issued by the 12 Federal land banks are being presented to Federal Reserve Banks or Branches, or to the Treasurer of the United States, by or through banks (including Federal land banks) for payment, redemption, or exchange pursuant to an optional exchange offering, such bonds may be restrictively endorsed. The restrictive endorsement shall be placed thereon in substantially the same manner and with the same effects as prescribed in United States Treasury Department regulations, now or hereafter in force, governing like transactions in United States bonds; and consolidated coupon bonds so endorsed shall be prepared for shipment and shipped in the manner prescribed in such regulations for United States bonds.

**§ 10.121 Lost or stolen bonds and coupons issued by a bank individually.**

Whenever it appears by clear and satisfactory evidence that any interest-bearing bond or any coupon thereof issued by any Federal land bank has, without bad faith on the part of the owner, been lost, stolen, or destroyed, and is not lawfully held by any person as his own property, or has been so mutilated or defaced as to impair its value to the owner, and is identified by number and description, the bank of issue may make payment (upon approval of the proofs of loss, etc., bonds of indemnity and related papers filed with the banks of issue in such cases, detailed information as to which has been furnished the banks) without requiring the issuance of any new bonds for record purposes.

**§ 10.122 Same; bond of indemnity.**

The owner of any such lost, stolen, or destroyed bond or coupon shall file with the bank of issue a bond of indemnity in a penal sum equal to the face amount of the bond or coupon, plus an amount sufficient to protect the bank from any loss on account of interest which may be payable on such lost, stolen, or destroyed bond. A corporate surety to be approved by the bank of issue shall be required for the bond of indemnity when the penal sum exceeds $50.

R. B. TOOTELL,
*Governor,*
*Farm Credit Administration.*

[F.R. Doc. 62–1011; Filed, Jan. 30, 1962; 8:48 a.m.]

# Title 7—AGRICULTURE

## Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 3, Amdt. No. 1]

## PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

### Limitation of Handling

*Findings.* 1. Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interest of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the

handling of navel oranges grown in Arizona and designated part of California.

*Order, as amended.* The provisions in paragraph (b)(1) (i) and (ii) of § 907.303 (Navel Orange Regulation 3, 27 F.R. 613) are hereby amended to read as follows:

(i) District 1: 325,000 cartons;
(ii) District 2: 375,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 26, 1962.

PAUL A. NICHOLSON,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 62–1004; Filed, Jan. 30, 1962; 8:47 a.m.]

## PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

### Establishment of Independent Producer Districts

Notice was published in the January 13, 1962, issue of the FEDERAL REGISTER (27 F.R. 411) that there was under consideration a proposed amendment of the Subpart—Administrative Rules and Regulations, dividing the area into seven independent producer election districts and including the description of such districts in paragraph (a) of § 993.128, pursuant to Marketing Agreement No. 110, as amended, and Order No. 993, as amended (7 CFR Part 993; 26 F.R. 475), regulating the handling of dried prunes produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). Said notice afforded interested persons the opportunity to submit written data, views, or arguments on the proposal. None were filed.

After consideration of all relevant matters presented, including the recommendations of the Prune Administrative Committee and other available information, it is concluded that amendment of this subpart, as hereinafter set forth, would tend to effectuate the declared policy of the act.

*Therefore, it is hereby ordered,* That § 993.128 be amended as follows:

**§ 993.128 Nominations for membership.**

(a) *Districts.* In accordance with the provisions of § 993.28, the districts referred to therein are described as follows:

*District No. 1.* The counties of Modoc, Lassen, Plumas, Sierra, Butte, Sutter, Yuba, Nevada, and Placer.

*District No. 2.* The counties of Marin, Napa, Lake, Mendocino, Humboldt, Del Norte, and that portion of Sonoma County south and east of a line described as follows: Beginning at the intersection of Bay Highway and Bodega Bay in Bodega Bay; thence easterly on Bay Highway to its junction with Bodega Highway in Bodega; thence easterly on Bodega Highway to its junction with Burbank Memorial Highway in Sebastopol; thence easterly on Burbank Memorial Highway to its junction with Sebastopol Avenue at Occidental Road; then east on Sebastopol Avenue to U.S. Highway 101 Freeway in Santa Rosa; thence north on U.S. Highway 101 Freeway to its junction with Redwood Highway North (U.S. Highway 101) at Mendocino Avenue; thence northwest on Redwood Highway North (U.S. Highway 101) to Pleasant Road near East Windsor; thence east on Pleasant Road to Chalk Hill Road; thence northerly on Chalk Hill Road to its junction with State Highway 128; thence easterly on State Highway 128 to the Napa County line.

*District No. 3.* All of that portion of Sonome County not included in District No. 2.

*District No. 4.* The counties of Alameda, San Francisco, San Mateo, Santa Cruz, and all that portion of Santa Clara County north and west of a line described as follows: Beginning at the point where the eastern Santa Clara County line and the southern boundary of San Jose Township of said county meet; thence west on said township boundary to San Felipe Road No. 2; thence southerly on San Felipe Road No. 2 to San Felipe Road; thence westerly and northwesterly on San Felipe Road to White Road in Evergreen; thence northwest on White Road to Santa Clara Street in San Jose; thence west on Santa Clara Street to First Street in San Jose; thence south on First Street to San Carlos Street in San Jose; thence west on San Carlos Street to Meridian Road in San Jose; thence south on Meridian Road to Dry Creek Road; thence westerly on Dry Creek Road to the San Jose-Los Gatos Road; thence southwesterly on the San Jose-Los Gatos Road to Union Avenue; thence south on Union Avenue along a straight line continuing to the Santa Cruz County line.

*District No. 5.* That part of Santa Clara County east and south of District No. 4, extending in a southerly direction to a straight line extending from along the main portion of the Cochran Road, northeasterly to the Stanislaus County line and southwesterly to the Santa Cruz County line.

*District No. 6.* The counties of San Benito, Monterey, and San Luis Obispo, and all of that portion of Santa Clara County not included in Districts No. 4 and No. 5.

*District No. 7.* All of the counties in the State of California not included in Districts No. 1 to No. 6, inclusive.

It is hereby determined that good cause exists for not postponing the time hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003(c)) in that: (1) The districts must be established promptly in order that independent producers will know in which districts their orchards are located and which nomination meetings to attend to nominate their candidates for representation on the Prune Administrative Committee; (2) the districts must be established promptly so that the committee management can schedule nomination meetings and notify independent producers of the time and place of such meetings; and (3) this regulation places no restriction on handlers.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated January 26, 1962, to become effective upon publication in the FEDERAL REGISTER.

PAUL A. NICHOLSON,
*Deputy Director, Fruit and Vegetable Division.*

[F.R. Doc. 62–1017; Filed, Jan. 30, 1962; 8:49 a.m.]

# Title 9—ANIMALS AND ANIMAL PRODUCTS

## Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER G—ANIMAL BREEDS

## PART 151—RECOGNITION OF BREEDS AND BOOKS OF RECORD OF PUREBRED ANIMALS

### Recognized Breeds and Books of Record in Canada

On December 12, 1961, there was published in the FEDERAL REGISTER (26 F.R. 11870), a notice with respect to a proposal to amend § 151.9(b)(1) of Part 151, Title 9, Code of Federal Regulations, by adding the Standardbred to the list of breeds of horses in Canada which will not be certified under the regulations as purebred unless a pedigree certificate showing three complete generations of known and recorded purebred ancestry of the particular breed involved is submitted for the animal.

After the notice of proposed rule making was published in the FEDERAL REGISTER, the Department of Agriculture was advised, by the Canadian National Live Stock Records, that the Canadian Standard Bred Stud Book is now kept by the Canadian Standard Bred Horse Society, instead of the Canadian National Live Stock Records as specified in § 151.9(b)(1). After due consideration of all relevant material and pursuant to paragraph 1606 of section 201 of the Tariff Act of 1930, as amended (19 U.S.C. 1201, par. 1606), § 151.9(b) of said Part 151 is hereby amended in the following respects:

1. A new subparagraph (4) is added to § 151.9(b), to read as follows:

**§ 151.9 Recognized breeds and books of record.**

* * * * *

(b) *Breeds and books of record in Canada.* * * *

(4) *Standardbred horses in Canada (Code 2231).* The Canadian Standard Bred Stud Book kept by the Canadian Standard Bred Horse Society, 122 Brown's Line, Toronto 14, Ontario, Canada, is recognized for all Standardbred horses registered therein: *Provided,* That no Standardbred so registered shall be certified under the act as purebred unless a pedigree certificate showing three complete generations of known and recorded purebred Standardbred ancestry, issued by the Canadian Standard Bred Horse Society, is submitted for each such horse.

2. The breed "Standardbred" is deleted from the table in § 151.9(b)(1).

(Par. 1606, sec. 201, 46 Stat. 673, as amended; 19 U.S.C. 1201, par. 1606)

Under the amendment, a Canadian Standardbred horse will not be certified as purebred by the Department of Agriculture, unless a pedigree certificate showing three complete generations of

known and recorded purebred Standardbred ancestry is submitted for the animal.

The change in § 151.9(b) recognizing the transfer of the Canadian Standard Bred Stud Book from the Canadian National Live Stock Records to the Canadian Standard Bred Horse Society does not materially affect the rights or obligations of persons subject to the regulations.

*Effective date.* The foregoing amendment shall become effective 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 25th day of January 1962.

M. R. CLARKSON,
*Acting Administrator,*
*Agricultural Research Service.*

[F.R. Doc. 62-1018; Filed, Jan. 30, 1962; 8:49 a.m.]

# Title 14—AERONAUTICS AND SPACE

## Chapter III—Federal Aviation Agency

### SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-WA-60]

### PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS AND HIGH ALTITUDE NAVIGATIONAL AIDS

### Alteration of Jet Routes and Associated Jet Advisory Area

On October 24, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 9949), stating that the Federal Aviation Agency proposed to extend Jet Route No. 97 and its associated jet advisory area from Boston, Mass., to Nantucket, Mass.

Since these actions involve the designation of navigable airspace outside of the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order No. 10854.

The Department of the Navy stated that this proposal was acceptable provided it would not conflict with the instrument procedures authorized at NAS South Weymouth, Mass. Any conflict between traffic cleared on J-97 and traffic at NAS South Weymouth will be resolved procedurally by the Boston Air Route Traffic Control Center. The Department of the Air Force interposed no objections and the Air Transport Association of America endorsed the proposal.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. In § 602.100 Jet routes (26 F.R. 7082, 7576) Jet Route No. 97 is amended to read:

Jet Route No. 97 (Nantucket, Mass., to Plattsburgh, N.Y.). From Nantucket, Mass., via Boston, Mass., to Plattsburgh, N.Y.

2. In § 602.200 Enroute jet advisory areas (26 F.R. 7083) Jet Route No. 97 jet advisory area is amended to read:

Jet Route No. 97 jet advisory area. Radar—Nantucket, Mass., to Plattsburgh, N.Y.

These amendments shall become effective 0001 e.s.t., April 5, 1962.

(Secs. 307(a) and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565)

Issued in Washington, D.C., on January 25, 1962.

D. D. THOMAS,
*Director, Air Traffic Service.*

[F.R. Doc. 62-986; Filed, Jan. 30, 1962; 8:45 a.m.]

# Title 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

[Docket 8328 c.o.]

### PART 13—PROHIBITED TRADE PRACTICES

### Pittsburgh Plate Glass Co.

Subpart—Discriminating in price under section 2, Clayton Act—Furnishing services or facilities for processing, handling, etc., under 2(e): § 13.843 *Promotional enterprises.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Pittsburgh Plate Glass Co., Pittsburgh, Pa.; Docket 8328, Oct. 11, 1961]

*In the Matter of Pittsburgh Plate Glass Company, a Corporation*

Consent order requiring a Pittsburgh manufacturer of glass products, including automobile replacement glass, to cease violating section 2(e) of the Clayton Act by paying for advertising for customers designated "A.I.D. dealers" ("autoglass installation dealer") on television, in trade publications and nationally published magazines, and also for placing names of such dealers in the "Yellow Pages" of the telephone directory, while according no comparable services to competitors of "A.I.D.'s".

The order to cease and desist is as follows:

*It is ordered,* That respondent Pittsburgh Plate Glass Company, a corporation, and its officers, employees, agents and representatives, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of automotive replacement glass in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from: Furnishing, contracting to furnish, or contributing to the furnishing of services or facilities in connection with the handling, processing, sale or offering for sale of respondent's automotive replacement glass to any purchaser from respondent of such automotive replacement glass bought for resale, when such services or facilities are not accorded on proportionally equal terms to all purchasers from respondent who resell respondent's automotive replacement glass in competition with such purchasers who receive such services or facilities.

By "Decision of the Commission", etc., report of compliance was required as follows:

*It is ordered,* That respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: October 11, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
*Secretary.*

[F.R. Doc. 62-996; Filed, Jan. 30, 1962; 8:45 a.m.]

[Docket 8206 c.o.]

### PART 13—PROHIBITED TRADE PRACTICES

### Florida Citrus Distributors, Inc.

Subpart—Discriminating in price under section 2, Clayton Act—payment or acceptance of commission, brokerage or other compensation under 2(c): § 13.820 *Direct Buyers;* § 13.822 *Lowered price to buyers.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Florida Citrus Distributors, Inc., Orlando, Fla., Docket 8206, Oct. 16, 1961]

*In the Matter of Florida Citrus Distributors, Inc., a Corporation*

Consent order requiring an Orlando, Fla., broker and representative of various citrus fruit packers, to cease violating section 2(c) of the Clayton Act by receiving commissions on its own purchases for resale, such as a discount at the rate of 10 cents per 1⅗ bushel box or equivalent, or a lower price reflecting brokerage.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

*It is ordered,* That respondent Florida Citrus Distributors, Inc., a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the purchase of citrus fruit or produce in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from: Receiving or accepting, directly or indirectly, from any seller, anything of value as a commission, brokerage, or other compensation, of any allowance or discount in lieu thereof, upon or in connection with any purchase of citrus fruit or produce for respondent's own account, or where

respondent is the agent, representative, or other intermediary acting for or in behalf, or is subject to the direct or indirect control, of any buyer.

*It is further ordered,* That the Respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: October 16, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-997; Filed, Jan. 30, 1962; 8:46 a.m.]

# Title 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

## PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

### Tolerances for Residues of Diphenylamine

A petition was filed with the Food and Drug Administration by American Cyanamid Company, P.O. Box 400, Princeton, New Jersey, on behalf of themselves, the International Apple Association, Inc., 1302 Sixteenth Street NW., Washington 6, D.C., the National Apple Institute, Washington Building, Washington 5, D.C., and the Northwest Horticultural Council, 1002 Larson Building, Yakima, Washington, requesting the establishment of a tolerance for residues of diphenylamine at 10 parts per million in or on apples, and zero in meat and milk. The tolerance on apples was requested to cover residues from use of the chemical as a preharvest spray, postharvest spray, postharvest dip, or in impregnated wraps for scald control during storage. The petitioner withdrew postharvest sprays and postharvest dips from the uses proposed in the petition when it was found that available data were inadequate to show that residues from these uses would be within the proposed tolerance. The zero tolerance in milk and meat was requested in conjunction with a proposed label caution that pomace from treated apples should not be fed to livestock.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purpose for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120) are amended by adding thereto the following new section:

**§ 120.190 Tolerances for residues of diphenylamine.**

Tolerances for residues of diphenylamine are established as follows:

10 parts per million in or on apples to cover residues from preharvest spray or use of impregnated wraps.

Zero in milk and meat.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: January 23, 1962.

JOHN L. HARVEY, *Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 62-1024; Filed, Jan. 30, 1962; 8:50 a.m.]

## PART 121—FOOD ADDITIVES

### Subpart D—Food Additives Permitted in Food for Human Consumption

DISODIUM EDTA (DISODIUM ETHYLENEDIAMINETETRAACETATE

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Geigy Chemical Corporation, Post Office Box 430, Yonkers, New York, and other relevant material, has concluded that the following amendment to § 121.1056 should issue in conformance with section 409 of the Federal Food, Drug, and Cosmetic Act, with respect to the food additive, disodium EDTA (disodium ethylenediaminetetraacetate) with iron salts as a stabilizer for vitamin $B_{12}$ in aqueous multivitamin preparations. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.1056 (21 CFR 121.1056; 26 F.R. 6274) is amended by inserting the following item at the beginning of the list of foods in paragraph (b)(1):

**§ 121.1056 Disodium EDTA (disodium ethylenediaminetetraacetate).**

* * * * *

(b) * * *

(1) * * *

| Food | Limitation (parts per million) | Use |
|---|---|---|
| Aqueous multivitamin preparations. | 150 | With iron salts as a stabilizer for vitamin $B_{12}$ in liquid multivitamin preparations. |

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: January 25, 1962.

JOHN L. HARVEY, *Deputy Commissioner of Food and Drugs.*

[F.R Doc. 62-1022; Filed, Jan. 30, 1962; 8:49 a.m.]

# Title 32—NATIONAL DEFENSE

## Chapter VII—Department of the Air Force

SUBCHAPTER E—POST SERVICES

## PART 858—SCHEDULE OF FEES AND CHARGES FOR COPYING, CERTIFYING AND SEARCHING RECORDS

SUBCHAPTER G—PERSONNEL

## PART 878—DECORATIONS AND AWARDS

### Miscellaneous Amendments

1. In Part 858 "Schedule of Fees and Charges for Copying, Certifying and Searching Records," §§ 858.1 to 858.4 are deleted and the following Cross Reference is inserted therefor:

CROSS REFERENCE: See Subchapter P, Part 288, Chapter I of this title.

2. In Part 878 "Decorations and Awards," §§ 878.41 to 878.80 are revised as follows:

SERVICE AWARDS

Sec.
878.41 Purpose.
878.42 Reason for awards.
878.43 Types of awards.
878.44 Authorized service medals and ribbons.
878.45 Eligibility.
878.46 Number of awards a person may receive.
878.47 Posthumous awards.
878.48 Awards by other United States agencies.
878.49 Awards by foreign countries.
878.50 Replacement of service medals.
878.51 Furnishing authorized awards.
878.52 Items not available.
878.53 Engraving.
878.54 Use of awards in exhibitions.
878.55 Manufacture, sale, and possession of awards.
878.56 Sources of information on other types of awards.

SERVICE MEDALS AND LONGEVITY SERVICE AWARD RIBBON

878.57 Good Conduct Medal.
878.58 American Defense Service Medal.
878.59 Women's Army Corps Service Medal.
878.60 American Campaign Medal.
878.61 Asiatic-Pacific Campaign Medal.
878.62 European-African-Middle Eastern Campaign Medal.
878.63 World War II Victory Medal.
878.64 Army of Occupation Medal.
878.65 Medal for Humane Action.
878.66 National Defense Service Medal.
878.67 Korean Service Medal.
878.68 Antarctica Service Medal.
878.69 Air Force Longevity Service Award Ribbon.
878.70 Armed Forces Reserve Medal.
878.71 Philippine Defense Ribbon.
878.72 Philippine Liberation Ribbon.
878.73 Philippine Independence Ribbon.

NON-UNITED STATES SERVICE MEDALS

878.74 United Nations Service Medal.
878.75 United Nations Medal.

SERVICE MEDAL RIBBONS, DEVICES, AND LAPEL BUTTONS

878.76 Service medal ribbon bars.
878.77 Clasps.
878.78 Service stars.
878.79 Arrowheads.
878.80 Berlin Airlift Device.
878.81 Hour-glass device.
878.82 Lapel buttons.

AUTHORITY: §§ 878.41 to 878.82 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Statutory provisions interpreted or applied are cited to text.

SOURCE: AFR 900–10, July 20, 1961.

### § 878.41 Purpose.

Sections 878.41 to 878.82 describe the Air Force service awards and explain who is eligible to receive them, how and by whom they are awarded, and how they are supplied, issued, and worn. It includes information on service awards conferred by other United States agencies and foreign countries.

### § 878.42 Reason for awards.

Service awards are normally awarded to recognize honorable, active Federal military service during periods of war or national emergency. For the purpose of §§ 878.41 to 878.82, the term "active Federal military service" is defined as all periods of military service in a Regular component of the Armed Forces of the United States or any of the Reserve components listed in § 878.70(b) while on extended active duty, and service as a cadet or midshipman at the United States Air Force, Army, or Naval Academies.

### § 878.43 Types of awards.

Service awards include medals, service ribbons, lapel buttons, and other types of devices such as clasps, stars, arrowheads, etc.

### § 878.44 Authorized service medals and ribbons.

The service medals and ribbons described in §§ 878.41 to 878.82 are listed below.

(a) Good Conduct Medal.
(b) American Defense Service Medal.
(c) Women's Army Corps Service Medal.
(d) American Campaign Medal.
(e) Asiatic-Pacific Campaign Medal.
(f) European-African-Middle Eastern Campaign Medal.
(g) World War II Victory Medal.
(h) Army of Occupation Medal.
(i) Medal for Humane Action.
(j) National Defense Service Medal.
(k) Korean Service Medal.
(l) Antarctica Service Medal.
(m) Air Force Longevity Service Award Ribbon.
(n) Armed Forces Reserve Medal.
(o) Philippine Defense Ribbon.
(p) Philippine Liberation Ribbon.
(q) Philippine Independence Ribbon.
(r) United Nations Service Medal.
(s) United Nations Medal.

### § 878.45 Eligibility.

(a) *Who is eligible.* A person is generally eligible for a service award if he:

(1) Was assigned or attached to and present for duty with a unit serving within the prescribed geographical area established for the award during the designated time period;

(2) Was assigned or attached to and present for duty with a unit designated in appropriate administrative orders as having received the award during the prescribed time period; or

(3) Otherwise meets the requirements for the award stated in §§ 878.57 to 878.82.

(b) *Who is ineligible.* No service award will be awarded to a person whose entire service for the period covered by the award was not honorable, nor to a person whose service for the period covered by the award was terminated under other than honorable conditions. However, if a person was awarded and presented an award for service prior to his dishonorable behavior, the award will not be revoked unless specifically directed by Headquarters USAF.

### § 878.46 Number of awards a person may receive.

Only one award of a specific United States service medal or Philippine service ribbon will be made to the same person. Devices will be awarded to denote additional awards in those instances specified in §§ 878.41 to 878.82.

### § 878.47 Posthumous awards.

The service awards and devices listed in §§ 878.41 to 878.82 may be awarded posthumously. In addition, the next of kin is entitled to receive a complete set of the service awards earned by the deceased member of the Air Force whether or not they were previously presented to him. If desired by the next of kin, the commander of the base furnishing casualty assistance will be responsible for furnishing a complete set of the awards. The next of kin, in order of precedence, are: widow, widower, eldest son, eldest daughter, father, mother, eldest brother, eldest sister, eldest grandchild. Awards to eligible next of kin, other than in the order given, must be approved by Headquarters USAF. Duplicate awards may be furnished free to the parents of the deceased when awards are given to the widow or widower.

### § 878.48 Awards by other United States agencies.

Service awards are also awarded by the United States Army, Navy, Marine Corps, and Coast Guard. Such awards are made in conformance with the regulations of the awarding authority. Service awards made by United States Government agencies other than the military services noted, or by States and other jurisdictions subordinate to the Federal Government, will not be worn on the Air Force uniform.

### § 878.49 Awards by foreign countries.

(a) *When acceptance and wearing of foreign service awards is unauthorized.* With the exception of the United Nations Service Medal and United Nations Medal (§§ 878.74 and 878.75), service awards tendered by foreign governments to an officer or airman for services rendered while a member of the United States Air Force or its Reserve components may not be accepted or worn on the Air Force uniform. See §§ 878.1 to 878.16 for acceptance and wear of foreign decorations.

(b) *Wearing of foreign service awards by persons who earned them as members of a friendly foreign force.* Foreign service awards earned while a bona fide member of the armed forces of a friendly country may be retained by the person, provided that they were presented to him prior to his entry on duty with the Armed Forces of the United States. However, to wear such awards on the Air Force uniform, the consent of the Congress is required, unless such Congressional authority was delegated under Public Law.

(1) Requesting congressional authorization: Congressional authorization is requested through Headquarters USAF. The member will send all elements of the award, including the medal, ribbon, and original certificate, and other documents pertaining to the award, to AFPMP–12C, Headquarters USAF. These will be sent by letter of transmittal including full name and service number of the member, name of the award and the country making it, citizenship status at time of the award, and inclusive dates of service recognized by the award. Headquarters USAF will forward the award to the Department of State, where it will be held pending authorization by Congress for the member to wear it.

(2) Notification to member when Congress authorizes wear on uniform: When Congress authorizes official wear, Headquarters USAF will withdraw the award from the Department of State and forward it to the member. This section does not apply to the Philippine service awards described in §§ 878.41 to 878.82.

NOTE: Pursuant to a White House instruction, the Department of State prepares an omnibus authorizing bill on all foreign awards held for retired persons, for transmittal to Congress one full month before the beginning of the Second Session of each alternate Congress, or every fourth year, i.e., 1962, 1966, etc. At the present time, such legislation may not be introduced for other than retired personnel. Since the seeking of authority to wear a foreign service award is at the option of the individual concerned, commanders should thoroughly explain the procedures stated in this section so that the individual will be fully aware of the legislative requirements before he elects to seek Congressional authorization to wear the award.

**§ 878.50 Replacement of service medals.**

10 U.S.C. 8751 provides that any medal that is lost, destroyed, or becomes unfit for use without fault or neglect of the owner may be replaced at cost. However, if the owner is a member of the Air Force, the medal may be replaced without charge.

**§ 878.51 Furnishing authorized awards.**

Persons not on active duty and not members of a Reserve component may obtain authorized awards from the General Services Administration, Air Force Branch, Military Personnel Records Center, 9700 Page Boulevard, St. Louis 32, Mo.

**§ 878.52 Items not available.**

Miniature service medals and service ribbons are neither issued nor sold by the Department of the Air Force, but may be purchased from commercial sources.

**§ 878.53 Engraving.**

Service medals will not be engraved at Government expense. Recipient may have the medal engraved with his name at his own expense.

**§ 878.54 Use of awards in exhibitions.**

(a) *By public institutions and patriotic societies.* Upon approval by the Secretary of the Air Force, sample service awards for exhibit purposes may be furnished at cost price, including charges for packing, transportation, and engraving each medal with the words "Exhibition Only." Samples will be furnished only to museums; libraries; and historical, numismatic, and military societies and institutions of such public nature as to assure an opportunity for the public to view them under circumstances beneficial to the Air Force.

(b) *By U.S. agencies outside the Department of Defense.* Upon approval by the Secretary of the Air Force, sample service awards may be furnished without charge for public display to United States Government agencies not under military jurisdiction.

(c) *Where to send requests.* All requests for service awards for exhibit or display will be submitted to AFPMP–12C, Headquarters USAF, for approval by the Secretary of the Air Force.

**§ 878.55 Manufacture, sale, and possession of awards.**

By law (18 U.S.C. 701 and 704), the manufacture, sale, or possession of any Air Force service award, or the pictorial representation in regulation size of such award, is prohibited unless authorized by the Department of the Air Force.

**§ 878.56 Sources of information on other types of awards.**

Sections 878.1 to 878.16 govern the award of decorations.

SERVICE MEDALS AND LONGEVITY SERVICE AWARD RIBBON

**§ 878.57 Good Conduct Medal.**

Established by Executive Order 8809, June 28, 1941, as amended by Executive Order 9323, March 31, 1943, and Executive Order 10444, April 10, 1953.

(a) *Description.* A metal disk, 1¼ inches in diameter, bearing in front an eagle standing on a book and a sword, encircled with the inscription "Efficiency-Honor-Fidelity." The ribbon is dark red silk, with three white stripes bordering each edge.

(b) *Requirements for award*—(1) *Quality of Service*—(i) General: The Good Conduct Medal is awarded for exemplary behavior, efficiency, and fidelity in an enlisted status while in the active Federal military service of the United States. During the period considered for the award, there must be no convictions by a civil court (other than for a minor traffic violation) or by courts martial, or a record of punishment under Article 15. Where such conviction or record of punishment exists, creditable service toward the Good Conduct Medal will begin the day following any time lost under 10 U.S.C. 8638, and/or the day following the completion of any punishment imposed by a courts martial, including punishment under Article 15.

(ii) Previous basis for award: All awards of the Good Conduct Medal properly made under the previous methods of determining eligibility are valid. Any awards for previous service will be made under the criteria in effect during the period of service under consideration. Note: Previous methods of determining eligibility are as follows. For service from August 28, 1937, to September 30, 1957, all "character" and "efficiency" ratings must have been recorded as "excellent" or higher, except that the following ratings are not disqualifying: ratings of "unknown"; service school efficiency ratings below "excellent" awarded prior to March 3, 1946. For service from October 1, 1957, to April 14, 1960, the specific recommendation of the unit commander must have been recorded in section X of AF Form 75, "Airman Performance Report."

(2) *Length of service.* Provided the above "quality" requirements are met, the basic Good Conduct Medal may be awarded for a period of 3 continuous years of active Federal service completed on or after August 26, 1940, except that it may be awarded for lesser periods of service under the following conditions:

| | Other than separation | | Upon separation [2] | |
|---|---|---|---|---|
| | Upon completion of— | | Completion of 1 year but less than 3 years | For physical disability for less than 1 year |
| | 1 year [1] | 3 years | | |
| Aug. 28, 1937–Dec. 6, 1941 | No | Yes | No | No. |
| Dec. 7, 1941–Mar. 2, 1946 | Yes | N/A | Yes | No. |
| Mar. 3, 1946–June 26, 1950 | No | Yes | No | No. |
| June 27, 1950–July 27, 1954 | Yes | N/A | Yes | Yes. |
| July 28, 1954–Present | No | Yes | Yes | Yes. |

[1] After initial award, a period of 3 years is always required for additional award.
[2] Applicable only if there have been no previous awards of the Good Conduct Medal.

(i) For performance of 1 continuous year of service between December 7, 1941 and March 2, 1946 (WWII), between June 27, 1950, and July 27, 1954 (Korean Operation), or during any future period while the United States is at war.

(ii) Upon termination of active Federal military service for a period less than 3 continuous years but more than 1 year, provided that some portion of that service is performed after June 27, 1950, and no previous award of the Good Conduct Medal has been made. (This includes termination of active Federal military service in an enlisted status in order to accept a commission.)

(iii) Upon termination of active Federal military service of less than 1 continuous year, provided that:

(*a*) Some portion of the period of service is performed after June 27, 1950;

(*b*) Final separation is by reason of physical disability incurred in line of duty; and

(*c*) No previous award of the Good Conduct Medal has been made.

(c) *Computation of total service.* Periods of service as a commissioned officer or warrant officer, other than Regular Air Force, will not be considered as an interruption of continuous service, although such periods will not be included in computation of total service accumulated. A period in excess of 24 hours between enlistments or between periods of commissioned and enlisted service will be considered a break in continuous active service. Time spent in either aviation cadet or officer candidate status is creditable provided it meets the requirements of paragraph (b) (1) of this section.

(d) *Service in the Navy, Marine Corps, or Coast Guard.* Service performed in the United States Navy, Marine Corps, or Coast Guard may not be credited for award of the Good Conduct Metal under §§ 878.41 to 878.82.

**§ 878.58 American Defense Service Medal.**

Established by Executive Order 8808, June 28, 1941.

(a) *Description.* A metal disk, 1¼ inches in diameter, bearing in front an armed figure symbolic of defense under the inscription "American Defense." The ribbon is basically yellow, with blue, white, and red stripes right to left, and left to right symmetrically near the edges.

(b) *Requirements for award.* Awarded for any period of active duty service completed between September 8, 1939, and December 7, 1941, provided that the active duty orders specified service for a period of 12 months or longer.

(c) *Foreign Service Clasp.* The requirements for the Foreign Service Clasp are the same as for the medal itself, except that the service must have been performed outside the continental United States. Section 878.77(b) describes the clasp and explains how it is worn.

**§ 878.59 Women's Army Corps Service Medal.**

Established by Executive Order 9365, July 29, 1943.

(a) *Description.* A metal disk, 1¼ inches in diameter, bearing in front the head of Pallas Athene in profile facing dexter, superimposed on a sheathed sword crossed with oak leaves and a palm branch within a circle composed of the word "Women's" in the upper half, and in the lower half "Army Corps." The ribbon is predominantly moss-tone green with gold borders.

(b) *Requirements for award.* Awarded for service performed in both the Women's Army Auxiliary Corps between July 20, 1942, and August 31, 1943, and the Women's Army Corps between September 1, 1943, and September 2, 1945.

**§ 878.60 American Campaign Medal.**

Established by Executive Order 9265, November 6, 1942, as amended by Executive Order 9706, March 15, 1946.

(a) *Description.* A metal disk, 1¼ inches in diameter, bearing in front an offshore scene depicting a cruiser, an airplane, and a sinking submarine underneath the inscription "American Campaign." The ribbon is predominantly medium blue, striped white, black, red, and white from right to left, and left to right within each edge. In the center are three stripes of red, white, and blue. The blue stripe is worn to the wearer's right.

(b) *Requirements for award.* Awarded for service within the American Theater between December 7, 1941, and March 2, 1946, under any of the following conditions:

(1) Permanent assignment outside the continental United States.

(2) Permanent assignment as an aircrew member of an airplane making frequent flights over ocean waters for a period of 30 consecutive days or 60 days not consecutive.

(3) Outside the continental United States in a passenger status or on temporary duty for 30 consecutive days or 60 days not consecutive.

(4) In active combat against the enemy, provided that the individual was awarded a combat decoration or furnished a certificate by the commander of his unit stating that he actually participated in combat.

(5) Within the continental United States for an aggregate period of 1 year.

(c) *Antisubmarine Campaign Service Star.* A person assigned or attached to and present for duty with a unit which was accorded battle credit for the "Antisubmarine" campaign is entitled to wear a bronze service star. Section 878.78 explains how the star is worn.

**§ 878.61 Asiatic-Pacific Campaign Medal.**

Established by Executive Order 9265, November 6, 1942, as amended by Executive Order 9706, March 15, 1946.

(a) *Description.* A metal disk, 1¼ inches in diameter, depicting in front a tropical landing beneath the words "Asiatic-Pacific Campaign." The ribbon is basically yellow, with yellow, red, and white stripes near each end. In the center are three equal stripes of blue, white, and red. The blue stripe is worn to the wearer's right.

(b) *Requirements for award.* Awarded for service within the Asiatic-Pacific Theater between December 7, 1941, and March 2, 1946, under any of the following conditions:

(1) Permanent assignment.

(2) Passenger status or on temporary duty for 30 consecutive days or 60 nonconsecutive days.

(3) In active combat against the enemy, provided that the individual was awarded a combat decoration or furnished a certificate by the commander of his unit stating that he actually participated in combat.

(c) *Service stars.* A service star is awarded to denote participation in a battle campaign. Section 878.87 explains how the star is worn.

**§ 878.62 European-African-Middle Eastern Campaign Medal.**

Established by Executive Order 9265, November 6, 1942, as amended by Executive Order 9706, March 15, 1946.

(a) *Description.* A metal disk, 1¼ inches in diameter, depicting a landing scene beneath the words "European-African-Middle Eastern Campaign." The ribbon is principally dark-green, edged with brown bands separated from the green by green, white, and red stripes on the left (wearer's right), and by white, black, and white stripes on the right (wearer's left). In the center are equal stripes of blue, white, and red. The blue stripe is worn to the wearer's right.

(b) *Requirements for award.* Awarded for service within the EAME (European - African - Middle Eastern) Theater between December 7, 1941, and November 8, 1945, under the same conditions described in § 878.61(b) (1), (2), and (3).

(c) *Service stars.* A service star is awarded to denote participation in a battle campaign. Section 878.78 explains how the star is worn.

**§ 878.63 World War II Victory Medal.**

Established by Public Law 135, 79th Congress (59 Stat. 461).

(a) *Description.* A metal disk, 1¼ inches in diameter, bearing in front the figure of liberation holding a broken sword in the dawn. The ribbon is predominantly red with wide rainbow borders.

(b) *Requirements for award.* Awarded for any period of service between December 7, 1941, and December 31, 1946.

**§ 878.64 Army of Occupation Medal.**

Established by War Department General Orders 32, 1946.

(a) *Description.* A metal disk, 1¼ inches in diameter, bearing on the front of the disk a pictorial representation of the Remagen Bridge and on the reverse Mount Fujiyama and two Japanese junks. The ribbon is bordered with white bands with equal black and red stripes in the center. The black stripe is worn to the wearer's right.

(b) *Requirements for award.* Awarded for 30 consecutive days at a normal post of duty (as contrasted to inspector, visitor, courier, escort, passenger status, temporary duty, or detached service) while assigned to the United States occupation forces during the prescribed time limits in any of the following areas:

(1) Germany (exclusive of Berlin): Between May 9, 1945, and March 5, 1955. Service between May 9, 1945, and November 8, 1945, may be counted only if the European-African-Middle Eastern Campaign Medal was awarded for service prior to May 9, 1945.

(2) Berlin, Germany: Between May 9, 1945, and a terminal date to be announced later. Service between May 9, 1945, and November 8, 1945, will be counted only if the European-African-Middle Eastern Campaign Medal was awarded for service prior to May 9, 1945.

(3) Austria: Between May 9, 1945, and July 27, 1955. Service between May 9, 1945, and November 8, 1945, may be counted only if the European-African-Middle Eastern Campaign Medal was awarded for service prior to May 9, 1945.

(4) Italy: Between May 9, 1945, and September 15, 1947, in the compartment of Venezia Giulia E Zara or Province of Udine, or with a unit specifically designated in Department of the Army General Orders 4, 1947. Service between May 9, 1945, and November 8, 1945, may be counted only if the European-African-Middle Eastern Campaign Medal was awarded for service prior to May 9, 1945.

(5) Japan: Between September 3, 1945, and April 27, 1952, in the four main islands of Hokkaido, Honshu, Shikoku, and Kyushu; the surrounding smaller islands of the Japanese homeland; the Ryuku islands; and the Bonin-Volcano Islands. Service between September 3, 1945, and March 2, 1946, may be counted only if the Asiatic-Pacific Campaign Medal was awarded for service prior to

September 3, 1945. By the same token, service which meets the requirements for the Korean Service Medal (§ 878.67) may not be counted in determining eligibility for this award.

(6) Korea: Between September 3, 1945, and June 29, 1949. Service between September 3, 1945, and March 2, 1946, may be counted only if the Asiatic-Pacific Campaign Medal was awarded for service prior to September 3, 1945.

(c) *Berlin Airlift Device.* Service for 90 or more consecutive days between June 26, 1948, and September 30, 1949, while assigned or attached to a unit designated in general orders of the Department of the Air Force for participation in the Berlin Airlift, qualifies a person for award of the Army of Occupation Medal with Berlin Airlift Device. Section 878.80 describes the device and explains how it is worn.

### § 878.65 Medal for Humane Action.

Established by Public Law 178, 81st Congress.

(a) *Description.* A metal disk, 1¼ inches in diameter, depicting a C–54 airplane within a border of wheat centering the coat of arms of Berlin. The ribbon is predominantly blue with black edges, followed by white, red, and white stripes. The center bears three stripes: white, red, and white, in the order named.

(b) *Requirements for award.* Awarded to personnel who were assigned or attached to and present for duty for at least 120 days during the period June 26, 1948, and September 30, 1949, inclusive, with any of the units cited in general orders of the Department of the Air Force for participation in the Berlin airlift or for direct support thereof. The geographical boundaries of the Berlin airlift operations are as follows:

(1) Northern Boundary: 54th parallel north latitude.

(2) Eastern Boundary: 14th meridian east longitude.

(3) Southern Boundary: 48th parallel north latitude.

(4) Western Boundary: 5th meridian west longitude.

(c) *Award to members of foreign armed forces and civilians.* The Medal for Humane Action may be awarded to members of foreign armed forces and civilians (United States and foreign) for meritorious participation in the Berlin airlift. In each instance, however, an individual recommendation indicating meritorious participation is required.

(d) *Award to persons whose lives were lost participating in the Berlin airlift.* Persons whose lives were lost while participating in the Berlin airlift, or as a direct result of participating therein, may be awarded the Medal of Humane Action without regard to the length of such service, provided that all other requirements are met.

NOTE: The Berlin Airlift Device described in § 878.80 is not awarded or worn with the Medal for Humane Action.

### § 878.66 National Defense Service Medal.

Established by Executive Order 10448, April 22, 1953.

(a) *Description.* A metal disk, 1¼ inches in diameter, bearing on the obverse an eagle displayed with inverted wings standing on a sword and palm branch, all beneath the inscription "National Defense." The ribbon is basically red with a yellow band in the center. Equal stripes of white, blue, white, and red border the center yellow band.

(b) *Requirements for award.* Awarded for any period of honorable active duty service between June 27, 1950, and July 27, 1954. For the purpose of this award, the following persons shall not be considered as performing active duty service:

(1) Inactive Reserve personnel ordered to active duty for short periods of training under the Inactive Reserve Training program.

(2) Reserve component personnel on temporary active duty to attend service schools or serve on boards, courts, commissions, etc.

(3) Any person on active duty for the sole purpose of undergoing a physical examination.

(4) Any person on active duty for purposes other than for extended active duty.

### § 878.67 Korean Service Medal.

Established by Executive Order 10179, November 8, 1950, as amended by Executive Order 10429, January 17, 1953.

(a) *Description.* A metal disk, 1¼ inches in diameter. On the obverse is a Korean gateway; encircling the design is the inscription "Korean Service." On the reverse is the Korean symbol taken from the center of the Korean national flag, representing the essential unity of all beings, with the inscription "United States of America," and a spray of oak and laurel encircling the design. The medal is suspended by a ring from a silk moire ribbon composed of white piping on the ends, a center of United Nations blue intersected by a white band.

(b) *Requirements for award.* Awarded to persons assigned or attached to combat or service units designated by the Commander, Far East Air Forces, in general orders for service within the Korean Theater or adjacent areas between June 27, 1950, and July 27, 1954. The term "Korean Theater" as used herein is defined as those areas which encompass North and South Korea, Korean waters, and the air over North and South Korea, and over Korean waters.

(c) *Conditions for award.* (1) The Korean Service Medal is awarded for participation in any engagement against the enemy in North or South Korean territory, in Korean waters, or in the air over North or South Korea or over Korean waters. A person will also be considered as having participated in an engagement if that person:

(i) Was a member of a designated combat or service unit in the Korean Theater.

(ii) Was a member of a combat or service unit, other than one within the Korean Theater, which has been designated by the Commander, Far East Air Forces, as having directly supported the military operations in the Korean Theater.

(iii) Was a member of a designated headquarters of the Far East Air Forces who exerted a distinct and contributory effort to the military operations in the Korean Theater.

(2) The service prescribed must have been performed while:

(i) On permanent assignment;

(ii) On temporary duty with a designated unit or headquarters for 30 consecutive days or 60 nonconsecutive days; or

(iii) In actual combat against the enemy. In this case, the individual must have been awarded a combat decoration or furnished a certificate by the commander of a division, comparable or higher unit; commander of a ship, comparable or higher unit; or commander of an Air Force group, comparable or higher unit, stating that he actually participated in combat.

(d) *Award of service stars.* Service stars are awarded to members of designated combat or service units in combat, or units assigned to the command of the Far East Air Forces, or on temporary duty with Army Ground Forces under any of the following conditions:

(1) If the person was a member assigned or attached to and present for duty with a designated combat or service unit during the period which the unit participated in combat.

(2) If the person was under orders in the combat zone and, in addition, was awarded a combat decoration, or was furnished a certificate by a commander of a division, comparable or higher unit; commander of a ship, comparable or higher unit; commander of an Air Force group, comparable or higher unit, or independent force, stating that he actually participated in combat or served at a normal post of duty (as contrasted to occupying the status of an inspector, observer, or visitor) or aboard a vessel other than in a passenger status. A certificate must be furnished by the home port commander of the vessel for actual service in the combat zone of the Korean Theater.

(3) If the person was an evadee or escapee in the combat zone or recovered from a prisoner-of-war status in the combat zone during the time limitations of the campaign. Prisoners of war will not be given credit for the time spent in confinement or while otherwise in restraint under enemy control. Section 878.78 explains how the service star is worn.

(e) *Award of arrowhead.* An arrowhead is awarded to members of designated combat or service units in combat, units assigned to the command of the Far East Air Forces, or units on temporary duty with the Army Ground forces who have participated in an airborne or amphibious assault within the territorial limits of Korea. Section 878.79 describes the arrowhead and explains how it is worn.

### § 878.68 Antarctica Service Medal.

Established by Public Law 86–600, 86th Congress, July 7, 1960.

(a) *Description.* The medal, accompanying ribbon, and other appurtenances are presently being designed by the Department of the Navy for the approval of the Secretary of Defense. When the medal is available, announce-

ment will be made by Headquarters USAF.

(b) *Requirements for award.* Awarded to the following for service during the period January 1, 1946 to a date to be subsequently established by the Secretary of Defense:

(1) Any member of the U.S. Armed Forces or civilian citizen, national, or resident alien of the U.S. who, as a member of a U.S. expedition, participates in or has participated in scientific, direct support, or exploratory operations on the Antarctic continent.

(2) Any member of the U.S. Armed Forces or civilian citizen, national, or resident alien of the U.S. who participates in or who has participated in a foreign Antarctic expedition on that continent in coordination with a U.S. Antarctic expedition and who is or was under the sponsorship and approval of competent U.S. Government authority.

(3) Any member of the U.S. Armed Forces who participates in or who has participated in flights as a member of the crew of an aircraft flying to or from the Antarctic or within the Antarctic continent in support of operations on that continent.

(4) Any member of the U.S. Armed Forces who serves or has served in a U.S. ship operating south of latitude 60° south in support of U.S. operations in Antarctica.

NOTE: Any person, including a citizen of a foreign nation, who does not meet the requirements in subparagraphs (1), (2), (3), or (4) of this section, but who participated in or participates in a U.S. Antarctic expedition on that continent at the invitation of a participating U.S. agency, may be awarded the medal by the Secretary of the Department under whose cognizance the expedition falls, provided the commander of the military support force as senior U.S. representative in Antarctica considers that he has performed outstanding and exceptional service and shared the hardship and hazards of the expedition.

No minimum time limits of participation are prescribed under the foregoing qualifications. No person is authorized to receive more than one award of the medal.

(c) *Wintering over.* Personnel who stay on the Antarctic continent during the winter months shall be eligible to wear a bronze clasp with the words "Wintered Over" on the suspension ribbon of the medal. This eligibility will also be denoted by a bronze disk of 5/16-inch diameter, with an outline of the Antarctic continent inscribed thereon, fastened on the bar ribbon representing the medal. A gold clasp or disk is authorized in lieu of the second clasp or disk, and a silver clasp is authorized for personnel who winter over three times or more. Not more than one clasp or disk shall be worn on the ribbon.

### § 878.69 Air Force Longevity Service Award Ribbon.

Established by Department of the Air Force General Orders No. 60, November 25, 1957.

(a) *Description.* An ultramarine blue service ribbon divided by four equal stripes of turquoise blue. There is no medal authorized for this award.

(b) *Requirements for award*—(1) *Basis of eligibility.* Eligibility is based upon honorable active Federal military service with any branch of the United States Armed Forces.

(2) *Who is eligible.* (i) All members of the Air Force on active duty.

(ii) All members of the Reserve components not on active duty with the Air Force who meet the criteria in subparagraph (3) of this paragraph.

(iii) All retired personnel who are carried on the Air Force retired lists.

(3) *Award criteria.* (i) Basic award: An aggregate of 4 years of honorable active Federal military service with any branch of the United States Armed Forces.

(ii) Subsequent awards: A bronze oakleaf cluster for each additional 4 years of honorable active Federal military service. A silver oakleaf cluster is worn in lieu of five bronze clusters. The oak-leaf clusters mentioned herein are identical to the clusters used to denote additional awards of the same military decoration (see §§ 878.1 to 878.16). Although oak-leaf clusters are issued in two sizes (large and small), only the small clusters will be worn on the Air Force Longevity Service Award Ribbon.

NOTE: The Air Force Longevity Service Award Ribbon replaces the Federal Service Stripes optionally worn by enlisted personnel.

### § 878.70 Armed Forces Reserve Medal.

Established by Executive Order 10163, September 25, 1950, as amended by Executive Order 10439, March 19, 1953.

(a) *Description.* A metal disk, 1¼ inches in diameter. The obverse (same for all services) is a flaming torch in front of a crossed powder horn and bugle within a circle composed of 13 stars and 13 rays. The reverse (Air Force) is the American eagle symbolizing the United States and its air power, centered within the inscription "Armed Forces Reserve" placed around and near the outer rim. The medal is suspended by a ring from a silk ribbon which is buff bordered with blue and buff stripes, and the center section of buff is intersected by a blue line followed by blue and buff stripes.

(b) *Requirements for award.* Awarded to members or former members of the Reserve components of the Armed Forces of the United States who complete or have completed a total of 10 years of honorable and satisfactory service as defined in Public Law 810, 80th Congress, Army and Air Force Vitalization and Retirement Equalization Act of 1948. The 10 years of service need not be consecutive, provided that such service was performed within a period of 12 consecutive years. For the purpose of this award, service as a member of a Reserve component will include those Reserve components which are enumerated in title III, section 306(c) Public Law 810, 80th Congress, as follows:

(1) The National Guard of the United States.

(2) The National Guard while in the service of the United States.

(3) The federally recognized National Guard prior to 1933.

(4) A federally recognized status in the National Guard.

(5) The Officers' Reserve Corps and the Enlisted Reserve Corps prior to enactment of Public Law 460, 80th Congress approved March 25, 1948.

(6) The Organized Reserve Corps.

(7) The Army of the United States without component. (Normally, all enlisted service prior to July 1940 was with the Regular component and not creditable. Conversely, service subsequent to July 1940 was Army of the United States and is creditable for this award.)

(8) The Naval Reserve and the Naval Reserve Force, excluding those members of the Fleet Reserve and the Fleet Naval Reserve transferred thereto after completion of 16 or more years of active naval service.

(9) The Marine Corps Reserve, and the Marine Corps Reserve Forces, excluding those members of the Fleet Marine Corps Reserve transferred thereto after completion of 16 or more years of service.

(10) The Limited Service Marine Corps Reserve.

(11) The Naval Militia who have conformed to the standards prescribed by the Secretary of the Navy.

(12) The National Naval Volunteers.

(13) The Air National Guard.

(14) The Air Force Reserve (officer or enlisted sections).

(15) The Air Force of the United States without component.

(16) The Coast Guard Reserve.

(c) *Creditable service.* Each year of active or inactive honorable service as a member of any of the Reserve components listed in paragraph (b) of this section may be credited toward award of the Armed Forces Reserve Medal until July 1, 1949. For service performed on or after July 1, 1949, members must accumulate during each anniversary year a minimum of 50 retirement points as prescribed in section 302(b), Army and Air Force Vitalization and Retirement Equalization Act, 1948 (62 Stat. 1087; 10 U.S.C. 1332), except that those persons in the Army of the United States or Air Force of the United States must compute time as follows:

(1) Active or inactive service prior to July 1, 1948, is creditable for those Army of the United States or Air Force of the United States officers appointed under the Act of September 22, 1941 (55 Stat. 728). After July 1, 1948, only active duty under such Army of the United States or Air Force of the United States appointments will be creditable.

(2) Active or inactive service prior to July 1, 1949, will be creditable for those Army of the United States or Air Force of the United States officers appointed under section 127a, National Defense Act, or section 515(e), Officer Personnel Act of 1947 (61 Stat. 906; 10 U.S.C. 8444).

(3) For the purpose of computing eligibility for the Armed Forces Reserve Medal, all Army of the United States or Air Force of the United States appointments will be considered as having been made under the Act of September 22, 1941, unless otherwise indicated in the official records.

(d) *Service not creditable*—(1) *General.* Service in the following may not be credited:

(i) Inactive National Guard.
(ii) Inactive Air National Guard.
(iii) Nonfederally recognized status in the National Guard or Air National Guard.
(iv) Inactive Reserve Section or Honorary Reserve Section of the Officers' Reserve Corps.
(v) Inactive Section or Honorary Section of the Air Force Reserve.
(vi) Honorary Retired List of the Naval and Marine Corps Reserve.
(vii) Inactive Status List of the Standby Reserve.
(viii) Retired Reserve.
(ix) Women's Army Auxiliary Corps.

(2) *Regular service.* Service as a Regular officer, warrant officer, or Regular enlisted person in the Armed Forces, including the Coast Guard, and service for which the Naval Reserve Medal, Organized Marine Corps Reserve Medal, or the Marine Corps Reserve Ribbon has been or may be awarded, will not be credited toward the award of the Armed Forces Reserve Medal, except that service in a Reserve component which is concurrent, in whole or in part, with service in a Regular component of the Armed Forces will not be considered a break in the necessary service period of 12 consecutive years (see paragraph (b) of this section).

(3) Attendance at aviation cadet training schools considered regular service: For the purpose of §§ 878.41 to 878.82, periods of attendance at aviation cadet training schools (for those persons appointed "Aviation Cadets") are considered Regular service.

(e) *Determining eligibility.* Eligibility may be determined from data contained in items 5 and 19 of AF Form 11, "Officer Military Record"; AF Form 190, "USAF Reserve Personnel Record Card"; or a statement from the person concerned certifying that his service in a Reserve component meets the requirements of satisfactory Federal service as defined in section 306(b), Army and Air Force Vitalization and Retirement Equalization Act, 1948 (62 Stat. 1089; 10 U.S.C. 1332).

(f) *Hour-glass device.* One hour-glass device, with a Roman numeral "X" superimposed, may be worn on the suspension and service ribbon of the Armed Forces Reserve Medal to denote service for each additional 10-year period of service under the same conditions as prescribed for award of the basic medal. Section 878.41 describes the device and explains how it is worn.

### § 878.71 Philippine Defense Ribbon.

Established by General Orders 8, Army Headquarters, Commonwealth of the Philippines, 1944.

(a) *Description.* A red ribbon divided by wide white bands and centering three white stars which form a triangle. The single star is worn uppermost.

(b) *Requirements for award.* Awarded for combat service in the defense of the Philippines from December 8, 1941, to June 15, 1942, if the individual:

(1) Was a member of the Bataan or Manila Bay forces, or of a unit, ship, or airplane under enemy attack; or

(2) Was assigned or stationed in Philippine territory or in Philippine waters for at least 30 days during the period cited above.

(c) *Bronze service star.* A person who meets both conditions set forth in paragraph (b) of this section is authorized to wear a bronze service star on the ribbon.

### § 878.72 Philippine Liberation Ribbon.

Established by General Orders 8, Army Headquarters, Commonwealth of the Philippines, 1944.

(a) *Description.* A red ribbon with equal stripes of blue and white in the center. The blue stripe is worn to the wearer's right.

(b) *Requirements for award.* Awarded for participation in the liberation of the Philippines from October 17, 1944, to September 3, 1945, if the individual:

(1) Participated in the initial landing operations on Leyte or adjoining islands from October 17, 1944, to October 20, 1944. A person will be considered as having participated in such operations if he landed on Leyte or adjoining islands, was on a ship in Philippine waters, or was a crew member of an airplane which flew over Philippine territory during the pediod.

(2) Participated in any engagement against the enemy during the campaign on Leyte and adjoining islands. A person will be considered as having participated in such operations if he was a member of and present with a unit actually under enemy fire or air attack, served on a ship which was under enemy fire or air attack, or was a crew member in an airplane which was under enemy aerial or ground fire.

(3) Served in the Philippine Islands or ships in Philippine waters for not less than 30 days during the period cited above.

(c) *Bronze Service Star.* Persons who meet more than one of the conditions set forth in paragraph (b) of this section are authorized to wear a bronze service star on the ribbon for each additional condition under which they qualify.

### § 878.73 Philippine Independence Ribbon.

Established by General Orders 383, Army Headquarters, Commonwealth of the Philippines, 1946.

(a) *Description.* A predominantly blue ribbon edged with yellow stripes and bearing red, white, and red stripes, in the order named, in the center.

(b) *Requirements for award.* Awarded to personnel who are recipients of both the Philippine Defense and Philippine Liberation ribbons.

NOTE: Personnel who were awarded the Philippine Independence Ribbon in accordance with the criteria formerly announced in AFR 35-50 (now obsolete) may continue to wear the award notwithstanding the change in requirement stated in paragraph (b) of this section.

## NON-UNITED STATES SERVICE MEDALS

### § 878.74 United Nations Service Medal.

Established by the United Nations General Assembly Resolution 483(V), December 12, 1950. The President accepted for the United States Armed Forces.

(a) *Description.* A metal disk, 1¼ inches in diameter. On the obverse is the emblem of the United Nations. On the reverse is the inscription "For Service In Defense Of The Principles Of The Charter Of The United Nations." The medal is suspended from a silk ribbon consisting of 17 stripes, 9 of United Nations blue and 8 of white, alternating, each stripe 0.08 inch wide. A bar bearing the word "Korea" constitutes a part of the suspension of the medal from the ribbon.

(b) *Requirements for award*—(1) *Qualifications.* Personnel must be:

(i) Members of the Armed Forces of the United States dispatched to Korea or adjacent areas of military operations specifically for service on behalf of the United Nations in the Korean Theater; or

(ii) Other personnel dispatched to Korea or adjacent areas as members of para-military and quasi-military units designated by the United States Government for service in support of the United Nations action in Korea and certified by the United Nations Commander-in-Chief as having directly supported the military operations in that area.

NOTE: Personnel awarded the Korean Service Medal automatically establish eligibility for the United Nations Service Medal.

(2) *Service.* The service must have been performed between June 27, 1950, and July 27, 1954, inclusive under any of the following conditions:

(i) While on permanent assignment to any designated combat or service unit;

(ii) While attached to any designated combat or service unit for a period of 30 days, consecutive or nonconsecutive; or

(iii) While in active combat against the enemy under conditions other than those prescribed in subdivisions (i) and (ii) of this subparagraph, provided that the individual was awarded a combat decoration or furnished a certificate by the commander of a division, comparable or higher unit; commander of a ship, comparable or higher unit; or commander of an Air Force group, comparable or higher unit, stating that he actually participated in combat.

(c) *Persons ineligible for award.* Personnel of the United Nations, its specialized agencies, or of any government service other than as prescribed in paragraph (b) of this section, and International Red Cross personnel engaged for service under the United Nations Commander-in-Chief with any United Nations relief team in Korea, will not be eligible for the award of the United Nations Service Medal.

### § 878.75 United Nations Medal.

Established by The Secretary General of the United Nations by Dispatch 109, July 30, 1959, and Regulations for the United Nations Medal, July 1959. The President accepted for the United States Armed Forces.

(a) *Description.* A round metal disk, 1¼ inches in diameter. On the obverse

is the emblem of the United Nations and the letters "U.N." On the reverse is the inscription "In The Service Of Peace." The medal is suspended from a ribbon of United Nations blue with two single narrow white stripes ¼ inch from each edge.

(b) *Requirements for award.* Military personnel who have been or are specifically identified by the United Nations as having performed qualifying service with one of the following organizations are eligible for an award of the medal:

(1) United Nations Observation Group in Lebanon.

(2) United Nations Truce Supervision Organization in Palestine.

(3) United Nations Military Observer Group in India and Pakistan.

(c) *Policy and procedures.* (1) Military personnel presently serving with any of the specified groups and those subsequently assigned will be awarded the United Nations Medal in the field by the Senior Representative of the Secretary General.

(2) The amount of service qualifying an individual for the award will be as designated by the Secretary General of the United Nations.

(3) Individuals with previous United Nations service with the specified groups who believe themselves eligible for the United Nations Medal may submit applications to AFPMP–12–C, Headquarters USAF. Each application should include complete details related to United Nations duty including geographical location and inclusive dates of service. Such applications will be referred to the United Nations for consideration and determination of eligibility.

SERVICE MEDAL RIBBONS, DEVICES, AND LAPEL BUTTONS

### § 878.76 Service medal ribbon bars.

A service medal ribbon is a service ribbon identical in color with the suspension ribbon of the service medal it represents, attached to a bar, 1⅜ inches long and ⅜ inch wide, equipped with (or without) an attaching device. The appropriate service ribbon is issued with each service medal described in §§ 878.57 to 878.73.

### § 878.77 Clasps.

Clasps are authorized for wear on the Good Conduct Medal, American Defense Service Medal, and Army of Occupational Medal.

(a) *Good Conduct Medal Clasp.* A bar, ⅛ inch wide and 1⅜ inches long, of bronze, silver, or gold, with loops, indicative of subsequent awards. It is worn on both the service ribbon and suspension ribbon of the medal itself. Clasps authorized for successive periods of service are as follows:

| Successive periods of service: | *Type of clasp* |
|---|---|
| 2d | bronze, 2 loops |
| 3d | bronze, 3 loops |
| 4th | bronze, 4 loops |
| 5th | bronze, 5 loops |
| 6th | silver, 1 loop |
| 7th | silver, 2 loops |
| 8th | silver, 3 loops |
| 9th | silver, 4 loops |
| 10th | silver, 5 loops |
| 11th | gold, 1 loop |
| 12th | gold, 2 loops |
| 13th | gold, 3 loops |
| 14th | gold, 4 loops |
| 15th | gold, 5 loops |

(b) *American Defense Service Medal Clasp.* A bronze bar, ⅛ inch wide and 1½ inches long; bearing the words "Foreign Service." It is worn only on the suspension ribbon of the medal. A bronze service star is worn on the service ribbon to denote award of the foreign service clasp.

(c) *Army of Occupation Medal Clasp.* A bronze bar, ⅛ inch wide and 1½ inches long, bearing the word "Germany" or "Japan." It is awarded to differentiate service in the various occupation areas during World War II.

(1) Areas represented by clasps:

(i) Germany Clasp: Represents service with the United States occupation forces in Germany, Italy, or Austria.

(ii) Japan Clasp: Represents service with the United States occupation forces in Japan or Korea.

(2) How worn: The clasp is worn only on the suspension ribbon of the Army of Occupation Medal. There is no device worn on the service ribbon to denote possession of the clasp. For wear of the Berlin Airlift Device, see § 878.80.

### § 878.78 Service stars.

The service star is a bronze or silver five-pointed star of 3/16-inch diameter. It is worn:

(a) On the service ribbon of the American Defense Service Medal to denote possession of the Foreign Service Clasp.

(b) On the service and suspension ribbons of the American Campaign, Asiatic-Pacific Campaign, European-African-Middle Eastern Campaign, and Korean Service Medals to denote battle participation credit. A silver service star is worn in lieu of five bronze service stars.

(c) On the Philippine Defense and Liberation Ribbons to denote additional honors.

### § 878.79 Arrowheads.

(a) *Description and requirements for award.* The arrowhead, a bronze replica of an Indian arrowhead, ¼ inch in height and ⅛ inch in width, is awarded to denote participation in a combat parachute jump, combat glider landing, or amphibious assault landing. The combat glider landing or parachute jump must have been made as an assigned or attached member of an organized force carrying out an assigned tactical mission. (An emergency combat parachute jump into enemy-held territory does not constitute eligibility for award of the arrowhead.) Units entitled to this award are designated in appropriate administrative orders.

(b) *How worn.* The arrowhead is worn on both the service and suspension ribbons of the Asiatic-Pacific Campaign Medal, European-African-Middle Eastern Campaign Medal, and the Korean Service Medal, point up, in a vertical position to the wearer's right of all service stars. Only one arrowhead will be worn on any one service or suspension ribbon, regardless of the number of times a person becomes eligible for the device.

### § 878.80 Berlin Airlift Device.

The Berlin Airlift Device is a gold-colored metal miniature of a C–54 aircraft of ⅜-inch wing span, other dimensions proportionate. It is worn on both the service and suspension ribbons of the Army of Occupation Medal, with the nose of the aircraft pointed upward at a 30° angle and toward the wearer's right shoulder.

### § 878.81 Hour-glass device.

This device is an hour-glass with a Roman numeral "X" superimposed thereon, of bronze, 5/16 inch in height. It is worn centered on both the service and suspension ribbons of the Armed Forces Reserve Medal.

### § 878.82 Lapel buttons.

The authorized lapel buttons are listed below. They may be worn only with civilian clothes.

(a) *Good Conduct Medal, American Defense Service Medal, and Women's Army Corps Service Medal lapel buttons.* These lapel buttons are 21/32 inch wide and ⅛ inch long and are in colored enamel, being a reproduction of the service ribbon.

(b) *World War II Honorable Service lapel button.* This button is of gold-colored metal, bearing an eagle on a ring around 13 stripes. It is awarded for honorable Federal military service between September 8, 1939, and December 31, 1946.

(c) *Air Force Lapel Button.* The Air Force Lapel Button consists of the winged Air Force star in gold- and silver-colored metal. All members of the Air Force on active duty; members of the Reserve components, including members of the Air Force Reserve Officers' Training Corps; and personnel carried on Air Force retired lists are entitled to wear the lapel button.

By order of the Secretary of the Air Force.

CARROLL W. KELLEY,
*Lt. Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.*

[F.R. Doc. 62-982; Filed, Jan. 30, 1962; 8:45 a.m.]

# Title 33—NAVIGATION AND NAVIGABLE WATERS

## Chapter II—Corps of Engineers, Department of the Army

## PART 203—BRIDGE REGULATIONS

### Anacostia River, Washington, D.C.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.330 is hereby amended by prescribing a new paragraph (c) to govern the operation of the District of Columbia highway bridge across Anacostia River, at South Capitol Street, Washington, D.C., effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 203.330 Anacostia River, Washington, D.C., bridges.

* * * * *

(c) *District of Columbia highway bridge at South Capitol Street.* (1) Between the hours of 7:00 a.m., and 9:30 a.m., and between the hours of 4:00 p.m., and 6:30 p.m., daily, the draw need not be opened for the passage of navigation.

(2) The draw will occasionally be closed to navigation, without advance notice, to permit uninterrupted transit of dignitaries across the bridge.

(3) At all times not covered by the regulations in this paragraph, and in all other respects, the regulations contained in § 203.240 shall govern the operation of this bridge.

(4) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can be easily read at any time, a copy of the regulations of this paragraph.

[Regs., January 17, 1962, 285/112 (Anacostia River, Wash., D.C.)-ENGCW-ON] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

J. C. LAMBERT,
*Major General, U.S. Army,*
*The Adjutant General.*

[FR. Doc. 62-984; Filed, Jan. 30, 1962; 8:45 a.m.]

# Title 41—PUBLIC CONTRACTS

## Chapter 7—Agency for International Development

## PART 7–60—CONTRACT APPEAL PROCEDURE

Sec.


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AUTHORITY: §§ 7–60.1 to 7–60.28 issued under sec. 621, 75 Stat. 424, 22 U.S.C. 2381.

### § 7–60.1 Scope.

Except to the extent otherwise provided pursuant to § 7–60.26 (Optional accelerated procedure for cases involving $5,000 in amount or less), §§ 7–60.2 through 7–60.25 govern the procedure in all cases before the Board. They shall be construed for the purpose of securing just and inexpensive determination of appeals without unnecessary delay. All pleadings provided for hereunder shall be so construed as to do substantial justice.

### § 7–60.2 Definitions.

As used in this part, the terms:

(a) "Contracting officer" includes any officer or other authority whose decision may be reviewed by the Board pursuant to the order creating the Board.

(b) "Board" means the full Board, panel, panel chairman, member, or Executive Secretary, as may be appropriate.

### § 7–60.3 Notice of appeal.

(a) An appeal shall be made by submitting a notice in writing addressed to the Administrator of the Agency for International Development, Washington 25, D.C. The original notice, together with the two copies thereof, shall be mailed to or otherwise filed with the contracting officer from whose decision the appeal is taken. The notice shall be mailed or otherwise filed with the contracting officer within 30 days from the date of receipt of the written decision from the contracting officer, unless otherwise provided in the contract. The notice shall indicate that an appeal is thereby intended, and shall identify the contract (by number), the contracting officer, and the decision from which the appeal is taken. The notice shall be signed by the contractor or his attorney and shall state the address to which communications from the Board and Government counsel should be sent and where service is to be made. The complaint referred to in § 7–60.6 may be filed with the notice.

### § 7–60.4 Action by contracting officer.

(a) When the contracting officer receives a notice of appeal in any form, he shall endorse on the original and all copies the date of mailing or the date of receipt if otherwise filed and shall forward the original and one copy of the notice, together with the complaint if filed therewith, immediately to the Board for docketing. Within 15 days after he receives the notice, the contracting officer shall transmit one copy to the Assistant General Counsel (contract staff) for the use of Government counsel accompanied by a file containing all documents pertinent to the appeal, including the following:

(1) The findings of fact and the decision from which the appeal is taken and the letter or letters or other documents of claim in response to which the decision was issued;

(2) All documents relied upon in making the findings and decision;

(3) A copy of the contract and specifications, pertinent plans, amendments, and change orders;

(4) All correspondence between the parties and other data pertinent to the dispute;

(5) Transcripts of any testimony taken in connection with the dispute in addition to any affidavits or statements of any witnesses that were made prior to the filing of the notice of appeal with the Board; and

(6) Such additional information as the contracting officer may consider material.

(b) Clearly legible duplicate originals, photostat copies, or certified true copies of the documents should be furnished. The contracting officer should retain the original contract file and an original or duplicate original of each contract in his contract file unless otherwise specifically requested.

(c) The contracting officer and all other officers and employees of AID shall cooperate with the Board and Government counsel in the processing of the appeal so as to assure a speedy and just settlement.

### § 7–60.5 Docketing and notice to contractor.

When the Board receives the notice of appeal for docketing, the Executive Secretary shall assign it a docket number, shall promptly so advise the contractor and contracting officer, shall forward a copy of these rules to the contractor, and shall forward a copy of the notice of appeal to the Assistant General Counsel (Contract Staff).

### § 7–60.6 Complaint.

Within 30 days after receipt of notice of docketing of the appeal, or within such longer time as may be allowed by the Board, the contractor shall file with the Board, if not previously filed with the notice of appeal, a complaint setting forth simple, concise, and direct statements of each of his claims showing that he is entitled to relief including the dollar amount claimed. If the amount claimed involves $5,000 or less, he may, in his complaint, request that the appeal be handled under the optional accelerated procedure (§ 7–60.26). Each claim shall be stated with as much particularity as is practical. No technical form is required, but each claim should be separately identified. Documentary evidence in support of claims may be filed as exhibits to the complaint. All documents filed as exhibits to the complaint shall be plainly listed and identified in the complaint. An original and three copies of the complaint shall be filed. Upon receipt thereof, the Executive Secretary of the Board shall serve a copy of the complaint on the Assistant General Counsel (Contract Staff).

### § 7–60.7 Answer.

Within 60 days after service of the complaint, or within such longer period of time as may be allowed by the Board, counsel for the Government shall prepare and file with the Board an answer thereto. The answer shall set forth simple, concise, and direct statements of the Government's defenses to each claim asserted by the contractor. Each defense shall be stated with as much particularity as is practical. Defenses which go to the jurisdiction of the Board may be included in the answer, or may be raised by motion pursuant to the provisions of § 7–60.12. If the contractor requests recourse to the optional accelerated procedure (§ 7–60.26), the answer shall contain a statement as to whether

such request is concurred in by the Government. Counsel for the Government shall at the same time file with the Board the following documents which shall be plainly listed and identified:

(a) The findings of fact, if any, and the decision from which the appeal is taken, and the letter or letters or documents of claim in response to which the decision was issued by the contracting officer;

(b) The contract and pertinent plans, specifications, amendments, and change orders.

Documentary evidence in support of the Government's defenses may be filed as exhibits to the answer. All documents filed as exhibits to the answer shall be plainly listed and identified in the answer. An original and three copies of the answer shall be filed with the Board. Upon receipt thereof, the Executive Secretary shall serve a copy of the answer on the contractor or his attorney.

**§ 7–60.8 Reply.**

The contractor may file a reply within fifteen days after receipt of the Government's answer.

**§ 7–60.9 Appeal file.**

The notice of appeal, the complaint and exhibits attached thereto, the answer and exhibits attached thereto, and the documents required to be filed therewith pursuant to § 7–60.7, all papers filed by the parties with the Board pursuant to this part, and all correspondence exchanged between the Board and the parties or their attorneys shall constitute the appeal file, which shall be available for inspection by the parties at the offices of the Board. Prior arrangements for inspection of the file shall be made with the Executive Secretary of the Board.

**§ 7–60.10 Amendments to pleadings.**

At any time before oral hearing or before submission of a case by the parties without an oral hearing, the Board in its discretion may permit a party, within the proper scope of the appeal, to amend its pleadings, upon conditions just to both parties. The Board upon its own initiative or upon application by a party may in its discretion order a party to make a more definite statement of its complaint or answer, or to reply to an answer. When issues within the proper scope of the appeal but not raised by the complaint and answer are tried by express or implied consent of the parties, they shall be treated in all respects as if they had been raised therein. If evidence is objected to at the hearing on the ground that it is not within the issues made by the complaint and answer, the Board may allow the pleadings to be amended within the proper scope of the appeal and shall do so freely when the presentation of the merits of the action will be served thereby and the objecting party fails to satisfy the Board that admission of such evidence would prejudice him in maintaining his case or defense upon the merits. The Board may, however, grant a continuance to enable the objecting party to meet such evidence.

**§ 7–60.11 Trial briefs.**

The Board in its discretion may order the submission of trial briefs prior to oral hearing.

**§ 7–60.12 Motions to dismiss for lack of jurisdiction.**

(a) Defenses which go to the jurisdiction of the Board, or other challenges to the jurisdiction of the Board with respect to an appeal, may be raised by motion. Such motions may, upon application of either party, in the discretion of the Board, be determined before oral hearing on the merits. The lack of Board authority to proceed in a particular case may be recognized and the appeal dismissed at any time.

(b) Motions to dismiss for lack of jurisdiction by the parties shall be filed in writing with the Board, unless otherwise permitted by the Board. The moving party shall submit its supporting argument or brief in written form within five days or such other period as the Board may allow after the motion is made. The other party shall be allowed five days or such other period as the Board may allow after receipt of the motion to file a reply.

(c) The Board may, on its own motion, submit questions concerning its jurisdiction to the General Counsel. Before so doing, it shall notify the parties of its intent and permit them to submit argument or briefs in written form on such questions within such reasonable times as it may allow.

(d) Motions made pursuant to this section, with supporting written arguments or briefs, shall be referred by the Board to the General Counsel, who shall advise the Board of his decision. The Assistant General Counsel (Contract Staff), attorneys directly responsible to him, and other attorneys participating in preparation of the Government case or representation of the Government shall not participate in the deliberations leading to or the preparation of any decision by the General Counsel on such a motion except as otherwise provided in this section.

(e) Failure of the contractor to state a case on which any relief could be granted shall be treated as a jurisdictional question and, after the complaint is filed, shall be a proper ground for a motion to dismiss for lack of jurisdiction. The contractor shall be afforded the opportunity to move to amend the complaint within the proper scope of the appeal after the motion to dismiss has been made but no such motion shall be entertained unless it is received by the Board within 30 days after service of an order dismissing the appeal for lack of jurisdiction on the ground of failure to state a case.

(f) Defenses and challenges to the jurisdiction of the Board made in pleadings shall be deemed motions to dismiss for lack of jurisdiction under this section.

**§ 7–60.13 Depositions and discovery.**

(a) Depositions which a party desires to take for the purpose of offering in evidence shall be taken in accordance with the procedures set forth in § 7–60.27.

(b) Under appropriate circumstances, but not as a matter of course, the Board will entertain motions for permission to serve written interrogatories on the opposing party, motions for an order to produce and permit the inspection of designated documents, and motions for permission to serve upon the opposing party a request for the admission of specified facts. Such motions shall be granted only to the extent and upon such terms as the Board in its discretion considers to be consistent with the objective of securing just and inexpensive determination of appeals without unnecessary delay.

**§ 7–60.14 Stipulations.**

The parties may stipulate in writing any facts that are relevant and material to the issues involved and to those documents or facts which may be received in evidence without formal proof. Such stipulations shall be subject to approval by the Board.

**§ 7–60.15 Prehearing conference.**

(a) The Board, upon its own initiative or upon application of either or both of the parties, may direct the parties or their attorneys to appear before the Board at a specified time and place for a conference to consider:

(1) Simplification of the issues;

(2) The possibility of obtaining stipulations as to admissions of fact and introduction of documents which will avoid unnecessary proof;

(3) The limitation of the number of expert witnesses, if a hearing is to be held; and

(4) Such other matters as may aid in the disposition of an appeal.

(b) The results of the conference shall be reduced to writing by the Board and made part of the record.

**§ 7–60.16 Failure to prosecute.**

The Board may order the contractor to show cause why the appeal should not be dismissed for failure to prosecute. The Board shall serve or attempt to serve such order on the contractor at the most recent address it has, or if no appearance has been filed or address for service has been otherwise furnished to the Board, it shall use such address as the contracting officer may have. If the contractor fails to show cause to the Board's satisfaction, it may affirm the decision of the contracting officer, dismiss the appeal, or make such other order as it deems appropriate.

**§ 7–60.17 Filing and service of papers.**

(a) The parties shall file with the Board an original and three copies of all papers, subsequent to the complaint and answer. Upon receipt thereof, the Board shall serve or otherwise furnish the opposing party with a copy.

(b) Service shall be made personally, or by mailing the document to be served in a sealed envelope, registered or certified, return receipt requested, with postage prepaid, addressed to the party upon whom service shall be made, and the date of the receipt shall be the date of service. Waivers of service of any papers

may be noted thereon or on a copy thereof, or on a separate paper, signed by the parties or their attorneys and filed with the Board. When any party has appeared by attorney, service upon the attorney will be deemed proper service upon the party.

§ 7–60.18 Hearing.

(a) The contractor may submit the case on the record or request an oral hearing. The Board shall, at the request of either party filed within 15 days after the answer is served on the contractor, grant an oral hearing. The parties shall be given at least 15 days' notice of the time and place of hearing.

(b) Hearings shall be held in Washington, D.C., unless otherwise ordered by the Board.

(c) If either party does not wish to appear or to be represented at a hearing, he shall so advise the Board. A party who so advises the Board may file a brief within 20 days after the date assigned for the hearing, or within such other period as may be allowed by the Board.

(d) The unexcused absence of a party or his authorized representative at the time and place set for the hearing shall not be the occasion for delay. In such event, the hearing shall proceed and the case shall be regarded as submitted by the absent party.

(e) Hearings shall be as informal as may reasonably be allowable and appropriate under all circumstances. Both parties may offer oral and written evidence, subject to exclusion by the Board of any irrelevant, immaterial, or repetitious evidence. The general procedures as to the introduction of evidence and the calling of witnesses shall be in the discretion of the Board.

(f) Attention of the witnesses will be invited to 18 U.S.C. 1001. Testimony may be received under oath or affirmation.

(g) The Board shall make provision for a verbatim transcript of all oral hearings, except that under the optional accelerated procedure (§ 7–60.26) the stenographic record will not be transcribed unless requested by either of the parties. Copies of the transcript shall be furnished to the contractor at his expense.

(h) After a decision has become final the Board may, upon request and after notice to the other party, permit the withdrawal of original exhibits, or any part thereof, by the party entitled thereto. Substitution of true copies of the exhibits or any part thereof may be required by the Board in its discretion as a condition of granting permission for such withdrawal.

§ 7–60.19 Representation of the parties.

(a) An individual contractor may appear before the Board in person, a corporation by an officer thereof, a partnership or joint venture by a member thereof, or by an attorney-at-law duly licensed in any State, Commonwealth, Territory, or in the District of Columbia. In special cases, the Board may authorize contractors to be represented by persons other than those mentioned.

(b) If the person representing the contractor is not identified in the notice of appeal (§ 7–60.3), he should file a notice of appearance with the Board stating his name, address, and if an attorney-at-law, the jurisdiction in which he is licensed. The Government shall be represented by the Assistant General Counsel (Contract Staff), Agency for International Development, Washington 25, D.C. Appearances of other attorneys who will represent the Government with him may be filed with the Board. If the Assistant General Counsel (Contract Staff) is not to represent the Government, he shall so notify the Board, indicating who has been designated to do so.

§ 7–60.20 Post-hearing briefs.

The Board may fix a reasonable time after the close of an oral hearing within which additional briefs may be filed.

§ 7–60.21 Decisions.

Decisions of the Board shall be made in writing. Copies of decisions shall be served on the parties. All final orders and decisions (except those required for good cause to be held confidential) shall be available for public inspection.

§ 7–60.22 Reconsideration.

Motions for reconsideration must be received by the Board within 30 days after service on the party moving for reconsideration of the decision or order dismissing the case. Reconsideration of the decision, which may include a hearing or rehearing, may be granted if, in the judgment of the Board, sufficient reason therefor appears.

§ 7–60.23 Extensions of time.

The Board may grant extensions of time except with respect to the filing of the notice of appeal.

§ 7–60.24 Board actions.

(a) Except as otherwise provided in this part, each appeal shall be assigned to a panel of three Board members designated by the General Counsel, who will designate one member as Chairman. The Chairman shall be a duly licensed attorney-at-law. Alternates may be designated by the General Counsel for any panel member who dies, is absent, is disqualified, or is otherwise unable to participate.

(b) Oral hearings may be held before one or more members of the panel or before the full panel, as designated by the Chairman, provided that the presiding member is a duly licensed attorney-at-law.

(c) Except as otherwise provided in this part, decisions on preliminary motions, procedural matters, and the conduct of hearings shall be by the Chairman or presiding officer. Decisions on the merits of the specific disputes under appeal shall be by a majority of the panel.

(d) The Chairman should be designated not later than 15 days after the answer is filed pursuant to § 7–60.6. The other members of the panel should be designated not later than 10 days before the date set for the hearing, if there is to be an oral hearing, or not later than the date the record is closed and the case is ready for decision.

(e) Before a Chairman is designated, rulings on extensions of time pursuant to § 7–60.23 may be made by the Executive Secretary. Rulings and orders on extensions of time and other matters before such designation may be made by a member of the Board designated by the General Counsel to rule on preliminary motions.

(f) The Executive Secretary will act for the Board in docketing appeals, issuing appropriate notices to the parties, and corresponding with the parties on behalf of the Board.

§ 7–60.25 Address of Board.

Unless the parties are notified otherwise, correspondence with the Board and papers to be filed with it by them shall be addressed to:

Board of Contract Appeals, Office of the Administrator, Agency for International Development, Washington 25, D.C.

§ 7–60.26 Optional accelerated procedure for cases involving $5,000 in amount or less.

An appeal involving $5,000 in amount or less shall be processed under this section at the request of the contractor, subject to the concurrence of the Government. Under this section:

(a) The appeal will be decided by a single member of the Board, who shall have for this purpose all the authority and power of the full Board to hear, consider, determine, and reconsider the matter.

(b) The appeal shall be deemed submitted for decision on the record unless the contractor or the Government, within 10 days after receipt of the Government's answer by the contractor, requests the Board to schedule an oral hearing.

(c) Such oral hearing shall be fixed at such time and place as shall be agreeable to the parties and to the Board member concerned, taking into consideration any request therefor of the contractor.

(d) For the purpose of this section, the amount involved in an appeal shall be the difference between the amount of the contractor's claim as stated in his complaint and the amount, if any, determined by the decision from which the appeal is taken.

(e) If the Board member assigned to the case under this section determines that the amount involved exceeds or may exceed $5,000, the parties shall be so informed, and the appeal shall be disposed of in accordance with §§ 7–60.6 through 7–60.25. The determination so made shall be final and conclusive.

§ 7–60.27 Depositions.

(a) *When depositions may be taken.* After an appeal has been docketed by the Board either party may take the testimony of any person by deposition upon oral examination or written interrogatories for use as evidence in the appeal proceedings.

(b) *Before whom taken.* Depositions to be offered in evidence before the Board may be taken before and authen-

ticated by any person authorized by the laws of the United States, or by the laws of the place where the deposition is taken, to administer oaths.

(c) *Written interrogatories.* (1) A party desiring to take the deposition of any person upon written interrogatories shall serve them upon the opposite party with a notice stating the name and address of the person who is to answer them and the name or descriptive title and address of the person before whom the deposition is to be taken. Within 20 days thereafter the party so served may serve cross interrogatories upon the party proposing to take the desposition.

(2) A copy of the notice and copies of all interrogatories served shall be delivered by the party taking the deposition to the person designated in the notice who should proceed promptly to take the testimony of the witness in response to the interrogatories.

(d) *Oral interrogatories.* When either party desires to take the testimony of any person by deposition upon oral examination, unless the parties stipulate as to the time and place where the deposition is to be taken and the name of the person before whom it is to be taken and the name and address of the witness, such party shall give the opposite party at least 30 days' written notice of the time and place where such deposition will be taken and the name and address and official title of the person before whom it is proposed to take the deposition, and the name and address of the witness.

(e) *Form and return of deposition.* Each deposition shall show the docket number and the caption of the proceedings, the place and date of taking, the name of the witness, and the names of all persons present. The person taking the deposition shall certify on the deposition that the witness was duly sworn by him and that the deposition is a true record of the testimony given by the witness, and shall enclose the original deposition and exhibits in a sealed packet with postage and other transportation prepaid and forward same to the Executive Secretary, Agency for International Development, Board of Contract Appeals.

(f) *Introduction in evidence.* Either party to the appeal may offer depositions in evidence. The entire deposition must be offered unless otherwise stipulated by the parties or directed by the Board.

### § 7–60.28 ICA Board of Contract Appeals.

Appeals pending before the ICA Board on the date of the establishment of the AID Board will be automatically transferred to the AID Board, and all pleadings and other documents filed with or actions taken by the ICA Board with reference to such appeals will be deemed to have been filed with or taken by the AID Board. Designations and appointments made in connection with the ICA Board are automatically adopted with respect to the AID Board until superseded.

Issued pursuant to the order of the Administrator on Establishment and Designation of AID Board of Contract Appeals, dated November 18, 1961.[1]

Dated: November 18, 1961.

SEYMOUR J. RUBIN,
*General Counsel.*

[F.R. Doc. 62–1007; Filed, Jan. 30, 1962; 8:47 a.m.]

# Title 42—PUBLIC HEALTH

## Chapter I—Public Health Service, Department of Health, Education, and Welfare

## PART 53—GRANTS FOR SURVEY, PLANNING AND CONSTRUCTION OF HOSPITALS AND MEDICAL FACILITIES

### Rehabilitation Facilities; Hospital Priority; Technical Amendments

Notice of proposed rule making, public rule making procedures and postponement of effective date have been omitted in the issuance of the following amendments of this part, which relate solely to grants to States, political subdivisions and public or other nonprofit agencies for the construction of public and other nonprofit hospitals and medical facilities.

### § 53.10 [Amendment]

1. Section 53.1 (t) is amended to read as follows:

(t) *Rehabilitation facility.* (1) a facility providing community service which is operated for the primary purpose of assisting in the rehabilitation of disabled persons through an integrated program under competent professional supervision of (i) medical evaluation and services, and (ii) psychological, social, or vocational evaluation and services. The major portion of the required evaluation and services must be furnished within the facility; and the facility must be operated either in connection with a hospital or as a facility in which all medical and related health services are prescribed by or are under the general direction of, persons licensed to practice medicine or surgery in the State.

(2) An integrated program brings together as a team specialized personnel from the (i) medical, and (ii) psychological, social, or vocational areas for the purpose of pooling information, interpretations and opinions for the development of a rehabilitation plan of services in which the disabled individual is viewed as a whole. When members of the team contribute to the diagnosis and treatment of illness, their contributions must be coordinated under medical responsibility. These integrated services may be provided in a facility to care for many types of disabilities or a single type of disability.

(a) A disabled person is an individual who has a physical or mental condition which, to a material degree, limits, contributes to limiting, or if not corrected, will probably result in limiting, the individual's performance or activities to the extent of constituting a substantial physical, mental, or vocational handicap.

(4) Medical service, in the case of a rehabilitation facility operated in connection with a hospital, means a designated medical director who renders direct personal supervision, varied and extensive availability of specialized consultants, a physical therapy department, an occupational therapy department, and medical evaluation.

(5) Medical service, in the case of a rehabilitation facility not operated in connection with a hospital, means medical supervision, availability by agreement of medical consultants, and evaluation and services suitable to the needs of the disabled persons to be served.

(6) Social service means evaluation and services by a qualified social worker in amounts and variety appropriate to the rehabilitation needs of the disabled persons to be served.

(7) Psychological service means evaluation and services by a qualified psychologist in amounts and variety appropriate to the rehabilitation needs of the disabled persons to be served.

(8) Vocational service, in the case of a rehabilitation facility operated in connection with a hospital, means evaluation and services by a qualified vocational rehabilitation counselor in amounts and variety appropriate to the rehabilitation needs of the disabled persons to be served.

(9) Vocational service, in the case of a rehabilitation facility not operated in connection with a hospital, means those vocational services required in hospitals plus a variety of vocational services appropriate to the program and the persons to be served, such as prevocational exploration, work evaluation and vocational training.

2. Section 53.51 is amended to read as follows:

### § 53.51 State allowance.

(a) Rehabilitation facilities shall be planned by each State so that all persons in the State shall have access to integrated rehabilitation services for all types of disabilities. The facility or facilities may be programmed in the State or by joint planning with one or more other States to service the residents of such States. In determining the number of rehabilitation facilities and services needed, the State shall consider such factors as the particular needs of the population to be served and the scope of services and organizational makeup of the facility proposed. The total number of rehabilitation facilities (including those existing and proposed) for purposes of the Federal Act may not exceed one per 75,000 State population.

(b) The acount of existing rehabilitation facilities shall exclude those which the State agency has determined to be unsuitable in accordance with the objective criteria contained in the State plan. In any event, a rehabilitation facility shall be regarded as unsuitable if it constitutes a public hazard. Only those existing facilities that meet the definition of § 53.1(t) will be charged against the State allowance.

[1] F.R. Doc. 62–1006 in Notices section, *infra.*

3. Section 53.52 is amended to read as follows:

§ 53.52 Distribution.

In determining the need for additional rehabilitation services as a basis for distribution of rehabilitation facilities, consideration shall be given to (a) rehabilitation services provided in existing facilities, avoiding duplication and overlapping of services and (b) availability of rehabilitation services to all geographical areas.

4. Sections 53.73, 53.74 and 53.75 are hereby deleted and a new § 53.73 is inserted to read as follows:

§ 53.73 Hospitals (excluding public health centers).

The priority of hospital projects shall be determined after consideration of the relative need for beds in the area in which the project will be located, the utilization of existing hospital beds in the area, and the extent to which beds will be made available for groups of the population which for any reason are less adequately served than other groups of the population. The adequacy of service facilities and service areas in existing hospitals may be utilized as an additional factor in establishing priority, in accordance with applicable objective criteria established in the construction program. In establishing the priority of chronic disease projects, special consideration shall be given to projects in which the chronic disease facilities will be operated as subunits of general hospitals.

5. Section 53.78 is amended to read as follows:

§ 53.78 Rehabilitation facilities.

Priority shall be given to rehabilitation facility projects in the order of importance as given below taking into consideration existing rehabilitation services in the community, the need for additional services in the community, and the extent to which rehabilitation services will be made available to groups of the population which for any reason are less adequately served than other groups of the population:

(a) Facilities offering for multiple disabilities, medical, psychological, social, and vocational services located in universities having a medical school, teaching hospital, school of social work, department of psychology, vocational rehabilitation counselor training course, school of physical therapy, and school of occupational therapy, or a major portion of these.

(b) Facilities offering rehabilitation services for multiple disabilities in hospitals and medical facilities capable of sustaining an organized department of physical medicine and rehabilitation.

(c) All other rehabilitation facilities.

§ 53.145 [Amendment]

6. Section 53.145(b) is amended by inserting immediately after the heading "Evaluation and treatment facilities" a provision to read as follows:

Evaluation and treatment facilities shall include medical facilities and, depending upon the program, one or more of the following: psychological, social or vocational, as listed below.

§ 53.146 [Amendment]

7. Section 53.146(b) is amended by inserting immediately after the heading "Evaluation and treatment facilities" a provision to read as follows:

Evaluation and treatment facilities shall include medical facilities and, depending upon the program, one or more of the following: psychological, social or vocational, as listed below.

§ 53.147 [Amendment]

8. Section 53.147(b) is amended by inserting immediately after the heading "Evaluation and treatment facilities" a provision to read as follows:

Evaluation and treatment facilities shall include medical facilities and, depending upon the program, one or more of the following: psychological, social or vocational, as listed below.

§ 53.150 [Amendment]

9. Section 53.150(b) is amended by deleting the provision under the subheading "Lavatories" and substituting a new provision to read as follows:

Lavatories: The front edge of the lavatory for patient use shall be set not less than 22 inches from the wall to which it is attached.[1] They shall be supported on brackets to allow wheel chairs to slide under.

§ 53.153 [Amendment]

10. Section 53.153(b)(13)(iv) is amended to read as follows:

(iv) Faucet spouts shall have the discharge opening above the rim of the fixture. Goose neck spouts shall be used for patients' lavatories, nurses' lavatories and sinks which may be used for filling pitchers. Knee or elbow action controls shall be used for doctors' wash up, utility and clinic sinks and in treatment rooms. Wrist action spade handles shall be used on other lavatories and sinks used by doctors or nurses.

(Sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216. Interpret or apply sec. 622, 60 Stat. 1042, sec. 653, 68 Stat. 463; 42 U.S.C. 291e, 291u)

These amendments were approved by the Federal Hospital Council on November 28, 1961, and shall become effective immediately upon publication in the FEDERAL REGISTER.

Dated: December 26, 1961.

[SEAL] ARNOLD B. KURLANDER,
*Acting Surgeon General.*

Approved:

ARNOLD B. KURLANDER,
*Acting Chairman, Federal Hospital Council.*

Approved: January 25, 1962.
ABRAHAM RIBICOFF,
*Secretary.*

[F.R. Doc. 62-1025; Filed, Jan. 30, 1962; 8:50 a.m.]

# Title 49—TRANSPORTATION

## Chapter I—Interstate Commerce Commission

## PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

### Railroad Annual Report Form A [1]

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 18th day of January A.D. 1962.

The matter of annual reports of line-haul and switching and terminal railroad companies of Class I being under further consideration, and the changes to be made by this order being minor changes in the data to be furnished, rule-making procedures under section 4(a) of the Administrative Procedure Act, 5 U.S.C. 1003, being deemed unnecessary:

*It is ordered,* That § 120.11 of the order of January 17, 1961, in the matter of Railroad Annual Report Form A, be, and it is hereby, modified and amended, with respect to annual reports for the year ended December 31, 1961, and subsequent years, to read as shown below.

*It is further ordered,* That 49 CFR 120.11, be, and it is hereby, modified and amended to read as follows:

§ 120.11 Form prescribed for Class I railroads.

Commencing with reports for the year ended December 31, 1961, and thereafter, until further order, all line-haul and switching and terminal railroad companies of Class I, as described in 49 CFR 126.1, viz., all carriers with average annual operating revenues of $3,000,000 or more, subject to the provisions of section 20, Part I of the Interstate Commerce Act, are required to file annual reports in accordance with Railroad Annual Report Form A, which is attached to and made a part of this section.[1] Such annual report shall be filed in duplicate in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D.C., on or before March 31 of the year following the year to which it relates.

(Sec. 12, 24 Stat. 383, as amended; 49 U.S.C. 12. Interpret or apply sec. 20, 24 Stat. 386, as amended; 49 U.S.C. 20)

*And it is further ordered,* That copies of this order and of Annual Report Form A shall be served on all line-haul and switching and terminal railroad companies of Class I, subject to the provisions of section 20, Part I of the Interstate Commerce Act, and upon every receiver, trustee, executor, administrator or assignee of any such railroad company, and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY,
*Secretary.*

[F.R. Doc. 62-1014; Filed, Jan. 30, 1962; 8:48 a.m.]

[1] Form filed as part of original document.

# Title 50—WILDLIFE AND FISHERIES

## Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

## PART 33—SPORT FISHING

### Wildlife refuges in Tennessee, Arkansas, Louisiana, Georgia, and South Carolina

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

TENNESSEE

REELFOOT NATIONAL WILDLIFE REFUGE

Sport fishing on the Reelfoot National Wildlife Refuge, Tennessee, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 9,092 acres or 92 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta 23, Georgia. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Largemouth bass, crappie, bluegill, and other minor species permitted under State regulations.

(b) Open season: January 30, 1962, through October 23, 1962.

(c) Daily creel limits: Largemouth bass—10; No limit on other species.

(d) Methods of fishing:

1. Tackle: Hook and line, live and artificial bait permitted.

2. Boats: Boats with outboard motors, and inboard motors of not more than six (6) horsepower may be used.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to October 24, 1962.

TENNESSEE

LAKE ISOM NATIONAL WILDLIFE REFUGE

Sport fishing on the Lake Isom National Wildlife Refuge, Tennessee, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 750 acres or 41 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta 23, Georgia. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Largemouth bass, crappie, bluegill, and other minor species permitted under State regulations.

(b) Open season: March 16, 1962, through September 30, 1962. Sunrise to sunset.

(c) Daily creel limits: Largemouth bass—10; No limit on other species.

(d) Methods of fishing:

(1) Tackle: Pole and line, artificial and live baits permitted.

(2) Boats: Rowboats and canoes without motors permitted.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to October 1, 1962.

ARKANSAS

BIG LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Big Lake National Wildlife Refuge, Arkansas, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 3,400 acres or 35 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta 23, Georgia. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Black bass, striped bass, crappie, bream and other minor species permitted by state regulations.

(b) Open season: February 1 through October 31, 1962, sunrise to sunset.

(c) Daily creel limits: Black bass—8, striped bass—15, bream—20, and crappie—15; other minor species as permitted by state regulations, total aggregate of all game fish shall not exceed 35 by any person during one day. No limitations on weight, size, etc.

(d) Methods of fishing:

(1) Pole and line, rod and reel, artificial and live baits permitted.

(2) Row boats, canoes, skiffs and boats with motors permitted.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to November 1, 1962.

LOUISIANA

LACASSINE NATIONAL WILDLIFE REFUGE

Sport fishing on the Lacassine National Wildlife Refuge, Louisiana, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 28,000 acres or 90 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta 23, Georgia. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Black bass, yellow bass, white bass, crappie and sunfish; and other minor species permitted by State regulations.

(b) Open season: March 15, 1962, through October 15, 1962. From 45 minutes before sunrise to 45 minutes after sunset.

(c) Daily creel limits: Black bass—15, yellow bass—25, white bass—25, crappie—25, sunfish—50; other creel limits for minor species are as prescribed for State regulations.

(d) Methods of fishing:

(1) Rod and reel, pole and line, artificial and live baits permitted.

(2) Boats with outboard motors no larger than 7½ h.p. permitted in refuge impoundments. No size restrictions on motors in the canals and streams.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) Entry to the Lacassine Pool is restricted to the four roller-ways provided.

(3) Boats may not be left inside the Lacassine Pool overnight.

(4) Entry to fishing areas is restricted to waterways only.

(5) A Federal permit is not required to enter the public fishing area.

(6) The provisions of this special regulation are effective to October 16, 1962.

GEORGIA

BLACKBEARD ISLAND NATIONAL WILDLIFE REFUGE

Sport fishing on the Blackbeard Island National Wildlife Refuge, Georgia, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 400 acres or 7 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta 23, Georgia. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Largemouth black bass, crappie, bream, and other minor species permitted under State regulations.

(b) Open season: April 1, 1962, to October 15, 1962. Daylight hours only.

(c) Daily creel limits: Black bass—15, bream—70; crappie—50; Other minor species as permitted by State regulations. Total aggregate of all species not to exceed 75 fish in one day. No limitation on weight, size, etc.

(d) Methods of fishing:

(1) Rod and reel, pole and line, artificial and live baits (except live minnows) permitted.

(2) Rowboats, canoes and other floating devices permitted: boats with motors prohibited.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to October 16, 1962.

SOUTH CAROLINA

SAVANNAH NATIONAL WILDLIFE REFUGE

Sport fishing on the Savannah National Wildlife Refuge, South Carolina, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 3,000 acres or 25 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta 23, Georgia. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Largemouth black bass, bream, crappie, and catfish; and other species permitted by State regulations.

(b) Open season: April 1, 1962, to October 15, 1962. Daylight hours only.

(c) Daily creel limits: Bass—10, not more than 25 game fish other than black bass; other minor species as permitted by State regulations. No size or weight limitations.

(d) Methods of fishing:

(1) Rod and reel, pole and line, artificial and live baits permitted.

(2) Rowboats, canoes and other floating devices without motors permitted.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to October 16, 1962.

SOUTH CAROLINA

SANTEE NATIONAL WILDLIFE REFUGE

Sport fishing on the Santee National Wildlife Refuge, South Carolina, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 3,150 acres or 4 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta 23, Georgia. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Largemouth black bass, striped bass (rock fish), white bass, crappie, bream, jackfish.

(b) Open season: March 15, 1962, through October 31, 1962. Daylight hours only.

(c) Daily creel limits: Largemouth black bass, striped bass, white bass—no more than an aggregate of 10. Not more than 25 game fish other than bass.

(d) Methods of fishing:

(1) Pole and line, rod and reel, artificial and live baits permitted.

(2) Rowboats, canoes and other floating devices without motors permitted. Boats must be removed from the refuge at the close of each day unless circumstances warrant permission to be granted by the refuge officer in charge.

(3) Fishing from banks and dikes permitted.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to December 31, 1962.

W. L. TOWNS,
*Acting Regional Director, Bureau of Sport Fisheries and Wildlife.*

JANUARY 24, 1962.

[F.R. Doc. 62-998; Filed, Jan. 30, 1962; 8:46 a.m.]

# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

### Agricultural Stabilization and Conservation Service

### [ 7 CFR Parts 1004; 1010 ]

[Docket Nos. AO–160 A–24, AO–276 A–4]

### MILK IN PHILADELPHIA, PA., AND WILMINGTON, DEL., MARKETING AREAS

### Notice of Joint Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a joint public hearing to be held at the Sylvania Hotel, Juniper and Locust Streets, Philadelphia, Pennsylvania, beginning at 10:00 a.m., e.s.t., on February 9, 1962, with respect to proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Philadelphia, Pennsylvania, and Wilmington, Delaware, marketing areas.

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Milk Distributors Association of the Philadelphia Area, Inc.; proposals to amend the Philadelphia order:

*Proposal No. 1.* Delete the second proviso of § 1004.7(b) (formerly § 961.7(b)) and substitute therefor the following proviso: *"And provided further,* That in the case of a system operation in which the same handler operates both a pasteurizing and bottling plant(s) qualified as a producer milk plant(s) under paragraph (a) of this section and one or more receiving plant(s) qualified to ship milk to his pasteurizing and bottling plant(s), any of such qualified receiving plants as the handler may designate shall be considered as a unit (system) upon written notice to the market administrator setting forth the plants to be included as a unit and the period during which such designation shall apply. Such notice and notice of any changes in designation, shall be furnished on or before the 15th day of the month preceding the month to which the notice applies."

*Proposal No. 2.* Delete the first parenthetical clause of § 1004.41(a) (formerly § 961.41(a)) and substitute therefore: "(including the milk or skim milk equivalent of concentrated milk and of dry whole milk, condensed skim milk and nonfat dry milk used in reconstituting any Class I product and including the product pounds of concentrated milk, and of dry whole milk, condensed skim milk and nonfat dry milk used in fortifying any Class I product)."

*Proposal No. 3.* Amend § 1004.47(a)(4) (formerly § 961.47(a)(4)) as presently numbered to read as follows:

(4) Subtract from the remaining products in each class, in sequence beginning with Class II milk, the product pounds in receipts of other source milk in the form of cream containing 18 percent or more butterfat and the milk or skim milk equivalent of such receipts of concentrated and dried milk or skim milk utilized in a reconstituted product and the product pounds of such receipts of concentrated and dried milk or skim milk utilized in a fortified product and other Class II products which are reprocessed during the month;

*Proposal No. 4.* Amend § 1004.44 (formerly § 961.44) by providing a new paragraph (d) to read as follows:

(d) As Class II milk if transferred in bulk to a nonproducer milk plant which used no milk or skim milk in Class I or Class II during the month and which disposed of such milk or skim milk to another nonproducer milk plant or commercial establishment for Class II utilization provided that:

(1) The handler claims a Class II utilization;

(2) The buyer maintains books and records showing the utilization or disposition of all milk and skim milk at his plant which are made available, if requested by the Market Administrator for the purpose of verification;

(3) Not less than an equivalent amount of milk or skim milk was actually disposed of as Class II from such other nonproducer milk plant or commercial establishment.

Proposals to amend the Wilmington order:

*Proposal No. 5.* Add the following proviso to § 1010.7: *"And provided further,* That in the case of a system operation in which the same handler operates both a pasteurizing and bottling plant(s) qualified as a fluid milk plant under this section and one or more receiving plant(s) qualified to ship milk to his pasteurizing and bottling plant(s), any of such qualified receiving plant(s) as the handler may designate shall be considered as a unit (system) upon written notice to the Market Administrator setting forth the plants to be included as a unit and the period during which such designation shall apply. Such notice and notice of any changes in designation shall be furnished on or before the 15th day of the month preceding the month to which the notice applies."

*Proposal No. 6.* Delete the first parenthetical clause of § 1010.41(a) and substitute therefor: "(including that used to produce concentrated and reconstituted skim milk and including the product pounds of concentrated products used in the fortification of any Class I product)".

Proposed by the Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service:

*Proposal No. 7.* Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Mr. L. S. Iverson, 1528 Walnut Street, Philadelphia 2, Pennsylvania, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Signed at Washington, D.C., on January 25, 1962.

ROBERT G. LEWIS,
*Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service.*

[F.R. Doc. 62–1019; Filed, Jan. 30, 1962; 8:49 a.m.]

## DEPARTMENT OF LABOR

### Division of Public Contracts

### [ 41 CFR Part 50–202 ]

### MACHINE TOOLS INDUSTRY

### Tentative Decision in the Determination of Prevailing Minimum Wages

A complete record of proceedings held under sections 1 and 10 of the Walsh-Healey Public Contracts Act (41 U.S.C. 35 and 43a) to determine the prevailing minimum wages for persons employed in the machine tools industry has been certified by the hearing examiner. A tentative decision, including a statement of findings and conclusions, as well as the reasons and basis therefor, on all material issues of fact, law, and discretion presented on the record, and any proposed wage determination, is now appropriate under the applicable Rules of Practice (41 CFR Part 50–203.21(b)) and the Administrative Procedure Act (5 U.S.C. 1007(b)).

*Definition.* The notice of hearing (26 F.R. 7550) tentatively defined the machine tools industry to include the manufacture of power driven machines, not supported in the hands of an operator when in use, that shape metals (1) by cutting away chips, such as boring, broaching, drilling, grinding, milling, honing, and polishing machines, and

lathes and shapers; or (2) by pressing, forging, hammering, extruding, shearing, bending or die casting. The rebuilding of machine tools and the manufacture of parts specifically designed for such tools are also included.

Excluded from the definition of machine tools are cutting tools, precision measuring tools, and attachments and accessories for machine tools; dies and tools; die sets and components, and subpresses; jigs and fixtures; gas and electric welding and cutting equipment; portable power driven handtools; automotive maintenance equipment; and rolling-mill machinery and equipment.

Only one issue was raised concerning this definition. Evidence was presented at the hearing to the effect that in recent years various radically new types of machine tools have been put into production. These were referred to as "exotic" machine tools that shape metals by dissolving, eroding, vaporizing, or metallizing. A witness for the National Machine Tool Builders Association (N.M.T.B.A.) requested that the definition of the Machine Tools Industry be amended to include the so-called "exotic" machine tools. I feel, however, that the record does not contain sufficient information concerning the wages paid to employees engaged in the manufacture of these machine tools to warrant the amendment. Accordingly, I have decided to adopt without change the definition suggested in the notice of hearing.

It appears appropriate to mention at this point that this decision eliminates the basis of the contention made by the National Machine Tool Builders Association that the failure to study the wages paid by this segment of the industry detracts from the reliability of the evidence of record concerning the remainder of the industry. Rather, it provides assurance that any wage determination which is made for this industry will not be imposed upon a segment of the industry which was not studied.

*Locality.* The next subject presented by the record is whether the geographic area of competition for contracts subject to the Walsh-Healey Act within this industry extends to all of the area in which the industry has its establishments so as to require an industry-wide wage determination or whether it is limited to smaller geographic areas so as to permit separate wage determinations for each such locality.

There is substantial uncontradicted evidence on the record establishing that the locality in which the products of the machine tools industry are to be manufactured or furnished for any Government contract subject to the Walsh-Healey Public Contracts Act cannot be defined more narrowly than the entire area in which the industry operates. The evidence on this subject emanates from two sources. First, the Government presented extensive statistical data clearly showing that the competition for Government contracts in this industry has no regional bounds. Though the Government exhibit was criticized because its earlier drafts were found to need correction before it was introduced in evidence, the final draft provides a sound basis for an appraisal of the area of competition for Government business. Second, the witnesses called by the N.M.T.B.A., who represented the management of various manufacturing establishments in the industry, testified that they shipped machine tools all over the nation. In view of this, and the absence of any contrary evidence, I am satisfied that the above finding is warranted.

Under these circumstances, an industry-wide determination is essential in this tentative decision in order to achieve the purposes of the statute (Cf. the tentative decision in the Textile Industry, 17 F.R. 11197; Mitchell v. Covington Mills, Inc., 229 F. 2d 506, certiorari denied, 350 U.S. 1002, rehearing denied, 351 U.S. 934).

*Prevailing minimum wages.* The Bureau of Labor Statistics (B.L.S.) prepared for use in these proceedings a comprehensive survey of the minimum wages paid and established on April 15, 1960, by establishments with 10 or more employees in which the manufacture of machine tools constituted 50 percent or more of the total value of sales in 1959. The tables based upon this survey showed widely scattered minimum wage rates ranging from $1.00 an hour to $2.75 an hour (and over) which were paid on April 15, 1960, by 287 establishments employing 42,013 persons who were engaged in work of a type covered by the Act when performing on a contract subject to it.

The N.M.T.B.A., persuaded that the BLS survey did not accurately reflect minimum wages in the industry and interested in obtaining wage data more recent than April 1960, collected and introduced into the record minimum wage information for April 1961 as well as for April 1960. However, the Association contends that neither the BLS, nor its own, survey constitutes a solid foundation for a determination and that a new survey should be conducted by the BLS based upon a more appropriate definition of "covered worker". If this is not done, however, the Association requests that the determination be based on its, rather than the BLS, survey.

One of the more important criticisms directed by the Association at the BLS survey involves the definition in the survey questionnaire of the types of workers subject to the Walsh-Healey Public Contracts Act. It is contended that the definition of "covered workers" in the questionnaire was misleading and resulted in misinterpretations by the persons who answered them. The questionnaire defined "covered workers" to include "all working foremen and nonsupervisory workers engaged in processing, fabricating, assembling, packaging, inspecting, handling, or shipping; and janitors working around machines while in operation". The thrust of the N.M.T.B.A. criticism is that certain "production-connected" jobs covered by the Act were considered outside the scope of the survey by persons answering these questionnaires. In support of this contention, the Association produced witnesses representing 7 establishments, who testified that their companies mistakenly excluded certain low-paid covered workers when they answered the BLS questionnaire.

The Association also argues that the BLS survey should have extended beyond plants whose sales of machine tools constituted 50 percent or more of their total sales. It asserts that in response to declining demand for machine tools and efforts to diversify their activities, a number of larger machine tool establishments failed to meet the 50 percent test. The testimony of the BLS witness regarding the survey conducted by that agency as well as the Association's own survey are cited in support of the statement. The exclusion of these large plants from the survey is held to have produced an inflationary bias since larger plants tend to pay lower minimum wages.

The Association further contends that rebuilders and parts manufacturers were not appropriately represented in the wage survey because the BLS did not consult two trade directories (membership directories of the Machinery Dealers National Association and the American Machine Tool Distributors Association) which purportedly listed these manufacturers. The Association admits to its own failure to utilize these directories in the conduct of its own survey, noting that its limited facilities and anticipated "noncooperation" on the part of rebuilders and parts manufacturers in filling out questionnaires made this course inadvisable.

The N.M.T.B.A. asserts that its wage survey was superior to that of the BLS in that it contained an expanded and allegedly more accurate definition of "covered worker", which incorporated specific reference to blueprint machine operators and draftsmen. It is contended that the BLS questionnaire would not ordinarily have elicited responses for these particular covered workers, who are frequently found at the lowest plant wage levels. While the Association survey covers only 56.8 percent of the establishments covered by the BLS survey, it is pointed out that the large proportion of employment covered (89.5 percent of the covered employment survey by the BLS) permits the survey's use for wage determination purposes.

The Association's contentions regarding the percentage of sales test and the failure of BLS to utilize two additional directories do not constitute grounds for disqualifying the BLS survey.

The 50 percent of sales test has been consistently utilized in wage surveys conducted for determination purposes and provides assurance that the determination for an industry does not reflect wages paid by establishments whose production is principally directed in other industry channels. In addition, there is no persuasive evidence of record supporting the Association's contention that the proportion of larger machine tool establishments excluded from the BLS survey by virtue of the 50 percent test was higher than for smaller plants. The record also contains no information regarding the minimum wage practices of such establishments, although the Association had collected such data. In view

of the lack of factual support in the record for the Association's allegations, I am not willing to disqualify a wage survey conducted under the same 50 percent standard which has consistently and satisfactorily been employed in the past.

Nor am I satisfied that the compilation of a mailing list without the assistance of the two directories of dealers and distributors, which the Association asserts ought to have been used, has resulted in an unrepresentative wage survey by virtue of inadequate coverage of rebuilders and parts manufacturers. Since establishments of this type are classified in the same Standard Industrial Classification groups as manufacturers of machine tools proper, their names were included in the lists of manufacturers of industry products furnished to the BLS by State Unemployment Compensation agencies. Since the mailing lists were also compiled from notices of Government awards furnished to the BLS by the Wage and Hour and Public Contracts Divisions, as well as a list of producers furnished by the N.M.T.B.A., there is added assurance that the wage survey coverage of these producers was representative and adequate. As noted earlier, the Association, despite its concern over the failure of BLS to utilize the two additional directories, found it was unable to use those directories beneficially in the conduct of its own survey.

Another alleged failure of the survey was that the questionnaire definition of exempted "apprentice" was not as restrictive as the one used in the regulations of the Department, which are used for enforcement purposes (29 CFR Part 521). A comparison of the regulations with the questionnaire definition reveals, however, that the criticism is unjustified. The definition in the questionnaire is a concise summary of the basic requirements contained in the regulations of the Department. It is clear that any bona fide apprenticeship program which met the definition provided in the questionnaire could with no difficulty meet the other technical requirements in the Department's regulations.

While the first three criticisms of the BLS survey offered by the Association are not persuasive, the evidence and argument which it offers regarding the definition of "covered workers" appear to contain some merit insofar as blueprint machine operators and draftsmen are concerned and I have been persuaded to exclude workers engaged in these two occupations from the scope of any determination based upon the BLS wage survey. The testimony of Association witnesses indicates that covered workers of the seven plants discussed whose wages fell below the minimums reported to the BLS were blueprint machine operators and draftsmen. Accordingly, I have concluded that the BLS survey forms an accurate and reliable basis for determining the prevailing minimum wage in the rest of this industry.

The N.M.T.B.A. survey contains several serious inadequacies which disqualify it from use in preference to the BLS survey. The Association's survey is far less comprehensive: It covered only 163 establishments as compared to the 287 surveyed by the BLS. While its inclusion of covered employment was almost as great as that of the BLS, it omitted large numbers of small establishments which tend to pay higher minimum wages. Moreover, it is clear that the Association survey included workers who are not covered by the Public Contracts Act, such as time clerks and other employees coming within the phrase "and other similar production-related workers". In addition, the questionnaire did not contain the detailed instructions necessary to inform the respondents how to calculate production bonuses. The Association's questionnaire did not confine its application to firms engaged in manufacturing, as opposed to merchandising, machine tools. As a result of these factors, the Association's survey contained a downward bias.

The deficiencies, which disqualify the Association survey from consideration as representative of prevailing minimum wages in the industry as a whole, are not as applicable to blueprint machine operators and draftsmen. Accordingly, it is not necessary that these workers be deprived of the protection afforded by the Walsh-Healey Public Contracts Act since the Association survey, which was carefully directed toward obtaining minimum wage information for these occupations, is available to determine their prevailing minimum wages.

Before making my findings as to the levels of prevailing minimum wages in the industry, for blueprint machine operators and draftsmen as well as for other covered workers, it is necessary to consider the appropriateness of a tolerance for beginners.

Based upon the very limited use of beginners or probationary workers in this industry, both the representatives of labor and management agreed that no special provision should be made for the employment of beginners or probationary workers at wages lower than the prevailing minimum wage for other workers. Therefore, the exemptive authority provided for by section 6 of the Act, under which a tolerance for beginners or probationary workers may be granted, will not be exercised.

In ascertaining the prevailing minimum wage, the N.M.T.B.A. has urged me to place reliance on the "interquartile" technique and on lowest established rates, as contrasted with lowest rates actually paid. Both standards are defended on their own merits but are asserted to be especially appropriate to the present proceeding by virtue of the alleged depressed state of the industry and consequent abnormally high wage structures. Application of the interquartile technique to data collected by the Association on lowest rates actually paid in April 1961 indicates to the Association a prevailing minimum wage for the industry of between $1.39 and $1.49. If the interquartile technique is rejected in favor of the median standard, the Association urges that the actually paid median minimum wage of $1.60 reported in its survey for plants weighted by employment should be found to be prevailing, rather than the $1.70 median minimum for establishments accorded equal weight. The former is urged in preference to the latter because the Association's survey covered a much higher proportion of the industry's employment than it did of its establishments, as well as because of an alleged upward distortion caused by the use of actually paid minimums in the case of a depressed industry. If its wage survey should be rejected as a basis for a determination in favor of the BLS survey, the Association urges reliance upon both the interquartile technique and lowest established rates so as to yield a determination of $1.50. Both of these standards have been fully discussed and rejected in recent minimum wage determinations (e.g., the tentative decision in the metal business furniture and storage equipment industry, 25 F.R. 12363, and the tentative decision in the manifold business forms industry, 26 F.R. 5898). I do not believe that the Association has set forth compelling reasons requiring the adoption of either or both of these standards. While the machine tools industry may be said to be in a depressed state compared to the production peaks reached during World War II, the Korean hostilities, and the following few years, the record indicates that while there may be substantial unutilized manufacting capacity, the April 1960 payroll period reflected one of the highest levels of employment in the last four years. This latter period appears to be of sufficient length to warrant designation as "normal", at least in the sense of permitting the establishment of a reasonable accord between minimum wages actually paid at that time and those likely to paid in the near future. This conclusion is borne out by the BLS wage survey, which indicates a discrepancy of no unusual magnitude between actually paid and established minimum wages.

The AFL–CIO, on the other hand, interprets the BLS survey as indicating that the prevailing minimum wage was $1.80 an hour on the survey date. It argues that the rate paid the one lowest paid worker in an establishment should not be the sole measure of minimum wages paid by that establishment. It urges that the prevaling minimum wage attributed to a large establishment which employs hundreds of workers should not be based on a minimum wage paid to only one person whose wages may not be representative of the lower end of the plant's wage structure. It contends that the prevailing minimum wage determination should be made at least in part on the basis of the first significant concentration of workers in each establishment. Since the BLS survey provides data which establishes that 49.1 percent of the establishments employing 57 percent of the covered workers have no nonbeginners or fewer than one percent of their nonbeginners who are paid less than $1.80 an hour, it concludes that this wage is more representative of the minimum wages paid in this industry on the survey date. I reject this method of determining prevailing minimum wages because I cannot arbitrarily exclude the wages paid to any covered worker from consideration in viewing the minimum

wages paid by an establishment when I am seeking to determine a prevailing minimum wage which will be enforced with respect to all employees in an establishment performing on a contract subject to the Act.

Based upon the conclusions I have reached thus far, I am satisfied that the BLS survey table, which shows the distribution of establishments and workers in the manufacture of machine tools by the lowest rate actually paid to covered workers (including beginners), presents the only appropriate foundation for a determination of the prevailing minimum wage in this indusrty for all persons covered by the Act, except blueprint machine operators and draftsmen, and that it lends itself to the same method of statistical interpretation that has been used by the Secretary of Labor for the past several years. A rate of $1.73 an hour appears, on the basis of this table, to be the most representative of the minimum wages paid in the industry (in April 1960) as a whole, since 53.3 percent of the establishments employing 52.2 percent of the covered workers in this industry paid no covered worker less than $1.73 an hour on that date.

In view of the fact that blueprinters and draftsmen will not be covered by this rate, for the reasons previously discussed, there remains the question of what is the prevailing minimum wage for these workers. As previously mentioned, the most direct evidence with respect to this point is the N.M.T.B.A. survey. My analysis of the survey with respect to minimum wages actually paid in April 1961 indicates a prevailing minimum wage of $1.65 for blueprint machine operators and draftsmen. The representative character of this rate is indicated by the fact that 56.4 percent of the establishments in the survey employing 45.5 percent of the covered workers paid no such worker less than this amount.

Both the representatives of labor and management have pointed out that the prevailing minimum wage has risen since April 1960. The record contains evidence that straight-time average hourly earnings have risen over 13 cents. On the basis of this evidence, the AFL–CIO has concluded that the prevailing minimum wage was 13 cents higher at the time of the hearing than it was in April 1960. On the other hand, the N.M.T.B.A. argues that the prevailing minimum wage has risen only 5 cents since April 1960, basing this conclusion on the increases in median minimum wages shown in their own survey as well as on the increases granted between April 15 and July 15, 1960, by certain establishments included in the BLS wage survey.

The evidence of record does not support the conclusion of labor representatives. The 13-cent increase in straight-time average hourly earnings which occurred between April 1960 and April 1961 is so far in excess of the data on minimum wage increases contained in both the BLS and the Association surveys as to raise serious doubts of its usefulness as an index of increases in the minimum wage. While I have no doubt of its accuracy in reflecting average hourly earnings, it appears reasonable to attribute its high level to the sharp contraction in the industry's employment in this period accompanied, as it no doubt was, by disproportionate layoffs of employees of lesser seniority and skills and, consequently, of lower straight-time average hourly earnings.

While I have concluded in a number of proceedings that the prevailing minimum wage may reasonably be assumed to have increased by at least the amount indicated by application of the percentage increase in average hourly earnings, I am satisfied, for the reason above stated that the figure of 9 cents, which this method yields in the present proceeding, also overstates the actual increase in the prevailing minimum wage. On the other hand, the five cents suggested by the N.M.T.B.A. appears to reflect minimum wage increases granted to blueprint machine operators and beginning draftsmen, which classifications of employees will not be covered by the determination based on the BLS survey. Insofar as the N.M.T.B.A. survey relating to workers covered by the VLS survey are concerned, however, it must be borne in mind that it contains the deficiencies previously discussed. Thus, it understates the increases in prevailing minimum wages of the workers to be covered by the determination based on the BLS survey.

Taking into consideration all the evidence, I conclude that the prevailing minimum wage has increased by 7 cents for workers other than blueprint machine operators and draftsmen up to the date of the hearing. Since my finding as to the prevailing minimum wage for blueprint machine operators and draftsmen is based upon an April 1961 survey, and in the absence of information on subsequent increases, I propose no post-survey adjustment for these workers.

The AFL–CIO has recommended that in making a prevailing minimum wage determination I should take into consideration the prevailing minimum costs to employers of paid leave and various private welfare plans. In an effort to implement this suggestion, statistics regarding the costs and prevalence of such benefits were offered in evidence, from which the AFL–CIO concluded that a 22-cent an hour additional increase in the wage determination was warranted.

Although these benefits appear to be an important part of the compensation which accrues to employees in this industry, I find that such benefits cannot be viewed as a part of a "prevailing minimum wage" rate under the Walsh-Healey Act. In view of the fact that Congress has directly stated in the overtime provisions of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) its opposition to the inclusion of these benefits as a part of an employee's "regular rate", and since the general overtime regulations established under the Walsh-Healey Act (41 CFR 50–201.103) require a similar interpretation of an employee's "basic hourly rate", I deem it inappropriate to include these benefits as a part of the employee's "prevailing minimum wage" under the Walsh-Healey Act.

Counsel for N.M.T.B.A. expressed objection at the hearing to the proposal to reduce the delay in effective date of the final decision from 30 to 7 days. This objection was on the ground that no previous determination for this industry had been made. Since that time, a minimum wage provision has been made applicable to this industry (September 26, 1961 (26 F.R. 9042)). No evidence was introduced in support of the objection, and it was not repeated in the brief filed after the hearing. For the reasons fully stated in the final decisions for the paper and pulp and manifold business forms industries (26 F.R. 7698, 7699), this tentative decision finds good cause to provide a 7-day delay in the effective date of the final decision.

*Proposed determination.* Accordingly, upon the findings and conclusions stated herein, pursuant to authority under the Walsh-Healy Public Contracts Act (49 Stat. 2036; 41 U.S.C. 35 et seq.), and in accordance with the Administrative Procedure Act (60 Stat. 237; 5 U.S.C. 1001 et seq.), notice is hereby given that I propose to amend Title 41 of the Code of Federal Regulations, Part 50–202, by the addition of § 50–202.28 to read as follows:

**§ 50–202.28 Machine Tools Industry.**

(a) *Definition.* (1) The machine tools industry is defined to include the manufacture of power driven machines, not supported in the hands of an operator when in use, that shape metals (i) by cutting away chips, such as boring, broaching, drilling, grinding, milling, honing, and polishing machines, and lathes and shapers; or (ii) by pressing, forging, hammering, extruding, shearing, bending or die casting. The rebuilding of machine tools and the manufacture of parts specifically designed for such tools are also included.

(2) Excluded from the definition of machine tools are cutting tools, precision measuring tools, and attachments and accessories for machine tools; dies and tools; die sets and components, and sub-presses; jigs and fixtures; gas and electric welding and cutting equipment; portable power-driven handtools; automotive maintenance equipment; and rolling-mill machinery and equipment.

(b) *Minimum wages.* The minimum wage for persons employed in the manufacture or furnishing of the products of the machine tools industry under contracts subject to the Walsh-Healey Public Contracts Act shall be $1.65 an hour for those employees engaged exclusively in the occupations of blueprint machine operator or draftsman, and $1.80 an hour for those employees engaged in other occupations.

Within twenty-one days from the date of publication of this document in the FEDERAL REGISTER, interested parties may submit written exceptions, together with supporting reasons, to the decision set out herein. Exceptions should be directed to the Secretary of Labor and filed with the Chief Hearing Examiner, Room

4414, United States Department of Labor, Washington 25, D.C.

Signed at Washington, D.C. this 26th day of January 1962.

ARTHUR J. GOLDBERG,
*Secretary of Labor.*

[F.R. Doc. 62-1026, Filed, Jan. 30, 1962; 8:50 a.m.]

# FEDERAL AVIATION AGENCY

## [ 14 CFR Part 602 ]

[Airspace Docket No. 61-WA-226]

## JET ADVISORY AREAS

### Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to § 602.200 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration the designation of en route radar jet advisory areas from flight level 240 to flight level 390 inclusive, and 16 statute miles either side of the following jet route segments:

1. Jet route No. 2 from the Tallahassee, Fla., VORTAC to the Jacksonville, Fla., VORTAC.

2. Jet route No. 45 from the Jacksonville VORTAC to the Alma, Ga., VORTAC.

3. Jet route No. 55 from the Savannah, Ga., VORTAC to the Charleston, S.C., VORTAC.

The designation of these proposed en route radar jet advisory areas would provide a defined area wherein jet advisory service would be provided to civil turbojet aircraft while operating on these routes.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 25, 1962.

CHARLES W. CARMODY,
*Chief, Airspace Utilization Division.*

[F.R. Doc. 62-985; Filed, Jan. 30, 1962; 8:45 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

## [ 47 CFR Part 15 ]

[Docket No. 14376]

## TELEMETERING DEVICES AND WIRELESS MICROPHONES

### Extension of Time for Filing Comments; Correction

The Commission's Order of January 18, 1962 (mimeo no. 15243), 27 F.R. 700, in the above entitled proceeding is corrected as follows:

1. The ordering clause is corrected to read as follows:

*It is ordered,* This 18th day of January 1962, pursuant to section 0.322(b) of the Commission's Statement of Organization, Delegations of Authority, and Other Information, That comments concerning the medical application of telemetering devices may be filed in this proceeding on or before February 28, 1962, and that comments in reply thereto may be filed on or before March 12, 1962.

Released: January 26, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 62-1028; Filed, Jan. 30, 1962; 8:50 a.m.]

## [ 47 CFR Part 15 ]

[Docket No. 14376]

## TELEMETERING DEVICES AND WIRELESS MICROPHONES

### Order Extending Time for Filing Reply Comments

The Commission has before it for consideration a request from Vega Electronics Corporation to extend the time for filing reply comments in the above-entitled proceeding from January 25, 1962, to February 26, 1962.

It appearing, that numerous and diverse questions have been raised by the comments in this proceeding, and that interested parties will require additional time in which to reply to these comments; and

It further appearing, that the time for filing reply comments has, with regard to one matter at issue, been previously extended to March 12, 1962 (Order of January 18, 1962, 27 F.R. 700, January 24, 1962), and that a general extension of time for filing reply comments to March 12, 1962, would not delay disposition of this proceeding;

*It is ordered,* This 26th day of January 1962, pursuant to section 0.322(b) of the Commission's Statement of Organization, Delegations of Authority, and Other Information, That reply comments may be filed in this proceeding on or before March 12, 1962.

Released: January 26, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 62-1029; Filed, Jan. 30, 1962; 8:50 a.m.]

# Notices

## DEPARTMENT OF STATE

### Agency for International Development

### AID BOARD OF CONTRACT APPEALS

#### Establishment and Designation

1. A Board of Contract Appeals (hereinafter called the Board) is hereby created and designated the duly authorized representative of the Administrator of the Agency for International Development (hereinafter called the Administrator) for the determination of appeals by contractors from decisions on disputes concerning questions of fact by contracting officers or their authorized representatives or other authorities pursuant to the provisions of contracts entered or financed by the Agency for International Development requiring the decision of such appeals by the Administrator or his duly authorized representative. Subject to the approval of the General Counsel, the Board may also be designated as the duly authorized representative of other officials of the Agency for International Development for the determination of such appeals pursuant to the provisions of contracts entered or financed by the Agency for International Development requiring the decision of final administrative appeals by such officials or their duly authorized representative.

2. The Board will be composed of members appointed by the Administrator. It will act in each appeal through a panel, or through an individual member, designated for such appeal by the General Counsel, who will designate as chairman of each panel a duly licensed attorney-at-law. No member of the Board will consider an appeal if he has participated in the awarding or administration of the contract in dispute. It will be the duty and obligation of the members of the Board to decide appeals to the best of their knowledge and ability in accordance with applicable contract provisions and in accordance with the law pertinent thereto. The Board will carry out its work and all personnel directly or indirectly involved will cooperate so as to assure that this appellate procedure achieves speedy and just settlements of disputes.

3. The decisions of the panel or individual member designated for an appeal will be considered as the decisions of the Board and will have the finality provided in the pertinent contract provision and permitted by law.

4. The General Counsel will make and promulgate the rules and procedures governing contract appeals. Subject to such rules, the Board will have all powers necessary for the proper performance of its duties. These powers include but are not limited to authority to conduct hearings, dismiss proceedings, order the production of documents and other evidence and decide all questions necessary to resolve the specific disputes before it. The General Counsel will render final decisions, binding on the Board, concerning the extent of its jurisdiction, or authority to act in specific cases, if the question is raised by either party, the Board, or the General Counsel.

5. The General Counsel will appoint an Executive Secretary for the Board who will be its chief administrative officer and perform such functions for it as the General Counsel specifies.

6. The Assistant General Counsel (Contract Staff) will be responsible for representation of the interests of the Government in proceedings before the Board.

7. The references herein to the Agency for International Development include predecessor agencies or agencies to whose contracts or financial sponsorship the Agency for International Development has succeeded. Reference to the Administrator of the Agency for International Development include the heads of such agencies.

8. The Board will assume all functions and records of the ICA Board of Contract Appeals created pursuant to the order of the Acting Director of the International Cooperation Administration dated October 27, 1960 (26 Fed. Reg. 316), which is hereby abolished, and pending appeals are automatically transferred to the Board hereby created. Appointments and designations made in connection with the ICA Board of Contract Appeals shall be deemed to have been made in connection with the Board hereby created until they are superseded.

FOWLER HAMILTON,
*Administrator.*

NOVEMBER 18, 1961.

[F.R. Doc. 62-1006; Filed, Jan. 30, 1962; 8:47 a.m.]

## DEPARTMENT OF DEFENSE

### Office of the Secretary

### DIRECTOR, ADMINISTRATIVE SERVICES; COMPTROLLER; REGIONAL DIRECTORS; DIRECTOR FOR FEDERAL ASSISTANCE; ET AL.

#### Delegation of Administrative Authorities for Civil Defense Functions

References: (a) E.O. 10952, dated July 20, 1961, assigning Civil Defense responsibilities to the Secretary of Defense and others; (b) Department of Defense Organizational Statement, Assistant Secretary of Defense (Civil Defense), filed September 13, 1961 (26 F.R. 8604).

The following redelegation of authorities is hereby approved:

1. *Director, Administrative Services.* Pursuant to the authority vested in the Assistant Secretary of Defense (Civil Defense) under Reference (b), and a Delegation of Authorities of even date herewith, the Director, Administrative Services, or, in the absence of the Director, Administrative Services, the person acting for him is hereby delegated, subject to the direction, authority, and control of the Secretary of Defense, and in accordance with DoD policies, directives, and instructions, and pertinent OSD regulations, authority as required in the administration and operation of the Office of Civil Defense and its subordinate activities to:

(a) Exercise the powers vested in the Secretary of Defense by section 204 of the National Security Act of 1947, as amended (5 U.S.C. 171d), Section 12 of the Administrative Expenses Act of 1946, as amended (5 U.S.C. 22a), and sections 401(a) and 403(b) of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2253 (a) and (b)), pertaining to the employment, direction and general administration of civilian personnel of the Office of Civil Defense and its subordinate activities.

(b) Fix rates of pay for wage board employees exempted from the Classification Act by section 202(7) of that Act on the basis of prevailing rates for comparable jobs in the locality where the Office of Civil Defense or each subordinate activity is located. The Assistant Secretary of Defense (Civil Defense), in fixing such rates, shall follow the wage schedule established by the local wage board.

(c) Establish such advisory committees and employ such part-time advisers as approved by the Secretary of Defense for the performance of civil defense functions pursuant to the provisions of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2253(b)) and Executive Order 10242, dated May 8, 1951 (16 F.R. 4262), as appropriate, or 10 U.S.C. 173, 5 U.S.C. 55a, and the Agreement between the DoD and the Civil Service Commission on employment of experts and consultants, dated July 22, 1959. The authority to establish advisory committees cannot be redelegated. The authority to employ part-time advisers can be redelegated.

(d) Administer oaths of office incident to entrance into the Executive Branch of the Federal Government or any other oath required by law in connection with employment therein, in accordance with the provisions of the Act of June 26, 1943 (5 U.S.C. 16a), and section 403(b) of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2255(b)), and designate in writing, as may be necessary, officers and employees of the Office of Civil Defense and its subordinate activities to perform this function.

(e) Establish an Office of Civil Defense Incentive Awards Board and pay cash awards to and incur necessary expenses for the honorary recognition of civilian employees of the Government whose suggestions, inventions, superior

accomplishments, or other personal efforts, including special acts or services, benefit or affect the Office of Civil Defense or its subordinate activities in accordance with the provisions of the Act of September 1954 (5 U.S.C. 2123) and Civil Service Regulations.

(f) In accordance with the provisions of the Act of August 26, 1950, as amended (5 U.S.C. 22–1); Executive Order 10450, dated April 27, 1953, as amended; and DoD Directive 5210.7, dated August 12, 1953 (as revised):

(1) Designate any position in the Office of Civil Defense and its subordinate activities as a "sensitive" position;

(2) Authorize, in case of an emergency, the appointment of a person to a sensitive position in the Office of Civil Defense and its subordinate activities for a limited period of time for whom a full field investigation or other appropriate investigation, including the National Agency Check, has not been completed; and

(3) Authorize the suspension, but not the termination, of the services of an employee in the interest of national security in positions within the Office of Civil Defense and its subordinate activities.

(g) Clear civil defense personnel and such other individuals as may be appropriate for access to classified Defense material and information in accordance with the provisions of DoD Directive 5210.8, dated June 29, 1955 (as revised), "Policy on Investigation and Clearance of Department of Defense Personnel for Access to Classified Defense Information" and of Executive Order 10501, dated November 5, 1953, as amended.

(h) Authorize and approve overtime work for civilian officers and employees of the Office of Civil Defense and its subordinate activities in accordance with the provisions of § 25.221 of the Federal Employee Pay Regulations.

(i) Authorize and approve:

(1) Travel for civilian officers and employees in connection with civil defense activities in accordance with the Standardized Government Travel Regulations, as amended (BOB Circular A–7, Revised);

(2) Temporary duty travel only for military personnel assigned or detailed to the Office of Civil Defense or its subordinate activities in accordance with Joint Travel Regulations for the Uniformed Services, dated April 1, 1951, as amended;

(3) Invitational travel to persons serving without compensation whose consultive, advisory, or other highly specialized technical services are required in a capacity that is directly related to or in connection with civil defense activities, pursuant to the provisions of section 5 of the Administrative Expenses Act of 1946, as amended (5 U.S.C. 73b–2). This authority cannot be redelegated.

(j) Develop, establish, and maintain an active and continuing Records Management Program for the Office of Civil Defense and its subordinate activities, pursuant to the provisions of section 506(b) of the Federal Records Act of 1950 (44 U.S.C. 396(b)).

(k) Authorize the publication of advertisements, notices, or proposals in newspapers, magazines, or other public periodicals as required for the effective administration and operation of the Office of Civil Defense and its subordinate activities (44 U.S.C. 324).

(l) (1) Establish and maintain appropriate Property Accounts for civil defense property, equipment and supplies for which the Assistant Secretary of Defense (Civil Defense) is assigned responsibility.

(2) Appoint Boards of Survey, approve reports of survey, relieve personal liability, and drop accountability for civil defense property contained in the authorized Property Accounts that has been lost, damaged, stolen, destroyed, or otherwise rendered unserviceable, in accordance with applicable laws and regulations.

(m) Promulgate the necessary security regulations for the protection of property and places under the jurisdiction of the Assistant Secretary of Defense (Civil Defense), pursuant to paragraphs III.A. and V.B. of DoD Directive 5200.8, dated August 20, 1954, and section 403(a) of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2255(a)).

(n) Establish and maintain, for assigned civil defense functions, an appropriate publications system for the promulgation of regulations, instructions, and reference documents, and changes thereto, pursuant to the policies and procedures prescribed in DoD Directive 5025.1, dated March 7, 1961.

(o) Enter into contracts for supplies, equipment and services for civil defense purposes and, subject to the limitation contained in section 2311, Chapter 137, Title 10 U.S.C., to make the necessary determinations and findings required under that chapter. To the maximum practicable extent, procurement of supplies and equipment will be accomplished through established military procurement agencies.

(p) Enter into support and service agreements with the military departments, other DoD agencies, or other Governmental agencies as required for the effective performance of assigned civil defense responsibilities and functions.

2. *Comptroller, Office of Civil Defense.* Pursuant to the authority vested in the Assistant Secretary of Defense (Civil Defense) under Reference (b), and a Delegation of Authorities of even date herewith, the Comptroller, Office of Civil Defense, or, in the absence of the Comptroller, Office of Civil Defense, the person acting for him, is hereby delegated, subject to the direction, authority, and control of the Secretary of Defense, and in accordance with DoD policies, directives, and instructions, and pertinent OSD regulations, authority as required in the administration and operation of the Office of Civil Defense and its subordinate activities to:

(a) Act as agent for the collection and payment of employment taxes imposed by Chapter 21 of the Internal Revenue Code of 1954 and, as such agent, make all determinations and certifications required or provided for under section 3122 of the Internal Revenue Code of 1954 and sections 205(p) (1) and (2) of the Social Security Act, as amended (42 U.S.C. 405(p) (1) and (2)) with respect to employees of the Office of Civil Defense and its subordinate activities.

(b) Establish and use Imprest Funds for making small purchases of material and services other than personal for the Office of Civil Defense and its subordinate activities when it is determined more advantageous and consistent with the best interests of the Government, in accordance with the provisions of DoD Instruction 7280.1 and the Joint Regulation of the General Services Administration, Treasury Department, General Accounting Office, entitled "For Small Purchases Utilizing Imprest Funds."

(c) Purchase bonds to cover civil officers and employees and military personnel of the Office of Civil Defense and its subordinate activities, in accordance with Public Law 323, 84th Congress (6 U.S.C. 14) and regulations of the Department of the Treasury (31 CFR Part 226).

(d) Authorize and approve travel for civilian officers and employees in connection with civil defense activities in accordance with the Standardized Government Travel Regulations, as amended (BOB Circular A–7, Revised).

(e) Allot and control funds or appropriations made available to the Office of Civil Defense within the amounts permitted by the apportionments made by the Director of the Bureau of the Budget pursuant to section 665 of title 31 of the United States Code. This authority cannot be redelegated.

(f) Post audit and correct any transaction or agreement of the Office of Civil Defense involving the receipt or payment of funds.

3. *Regional Directors.* Pursuant to the authority vested in the Assistant Secretary of Defense (Civil Defense) under Reference (b), and a Delegation of Authorities of even date herewith, the Regional Directors, Office of Civil Defense, or, in the absence of any Regional Director, the person acting for him, are hereby delegated, to be exercised and performed by them within their respective regions, subject to the direction, authority, and control of the Secretary of Defense, and in accordance with DoD policies, directives, and instructions, and pertinent OSD regulations, authority as required in the administration and operation of the Office of Civil Defense and its subordinate activities to:

(a) Authorize and approve travel for civilian officers and employees in connection with civil defense activities in accordance with the Standardized Government Travel Regulations, as amended (BOB Circular A–7, Revised).

4. *Executive Assistant to the Secretary of Defense (Civil Defense); Director for Plans and Programs; Director for Research; Director for Technical Operations.* Pursuant to the authority vested in the Assistant Secretary of Defense (Civil Defense) under Reference (b), and a Delegation of Authorities of even date herewith, the Executive Assistant

to the Secretary of Defense (Civil Defense), the Director for Plans and Programs, the Director for Research, the Director for Technical Operations, or, in the absence of any or all of them, the persons acting for them, respectively, are hereby delegated, subject to the direction, authority, and control of the Secretary of Defense, and in accordance with DoD policies, directives, and instructions, and pertinent OSD regulations, authority as required in the administration and operation of the Office of Civil Defense and its subordinate activities to:

(a) Authorize and approve travel for civilian officers and employees in connection with civil defense activities in accordance with the Standardized Government Travel Regulations, as amended (BOB Circular A–7, Revised).

5. *Director for Federal Assistance.* Pursuant to the authority vested in the Assistant Secretary of Defense (Civil Defense) under Reference (b), and a Delegation of Authorities of even date herewith, the Director for Federal Assistance, or, in the absence of the Director for Federal Assistance, the person acting for him, is hereby delegated, subject to the direction, authority, and control of the Secretary of Defense, and in accordance with DoD policies, directives, and instructions, and pertinent OSD regulations, authority as required in the administration and operation of the Office of Civil Defense and its subordinate activities to:

(a) Exercise the authority delegated to the Secretary of Defense by the Administrator of the General Services Administration with respect to the disposal of surplus civil defense personal property.

(b) Authorize and approve travel for civilian officers and employees in connection with civil defense activities in accordance with the Standardized Government Travel Regulations, as amended (BOB Circular A–7, Revised).

These authorities can be redelegated, as appropriate, in writing, except as otherwise specifically indicated above or as otherwise provided by law or regulation.

This delegation of authorities is effective immediately.

Dated this 20th day of January 1962.

STEUART L. PITTMAN,
*Assistant Secretary of Defense, Civil Defense.*

[F.R. Doc. 62–1016; Filed, Jan. 30, 1962; 8:48 a.m.]

## ORGANIZATIONAL STATEMENT

### Delegations of Authority

The following amendment (Inclosure 1) to the organizational statement, Assistant Secretary of Defense (Civil Defense) (DoD Directive 5140.1), published at 26 F.R. 8604, has been approved by the Deputy Secretary of Defense, January 20, 1962:

Inclosure 1—Delegations of authority: Pursuant to the authority vested in the Secretary of Defense, the Assistant Secretary of Defense (Civil Defense), or, in the absence of the Assistant Secretary, the person acting for him is hereby delegated, subject to the direction, authority, and control of the Secretary of Defense, and in accordance with DoD policies, directives, and instructions, and pertinent OSD regulations, authority as required in the administration and operation of the Office of Civil Defense and its subordinate activities to:

1. Exercise the powers vested in the Secretary of Defense by section 204 of the National Security Act of 1947, as amended (5 U.S.C. 171d), section 12 of the Administrative Expenses Act of 1946, as amended (5 U.S.C. 22a), and sections 401(a) and 403(b) of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2253 (a) and (b)), pertaining to the employment, direction and general administration of civilian personnel of the Office of Civil Defense and its subordinate activities.

2. Fix rates of pay for wage board employees exempted from the Classification Act by section 202(7) of that Act on the basis of prevailing rates for comparable jobs in the locality where the Office of Civil Defense or each subordinate activity is located. The Assistant Secretary of Defense (Civil Defense), in fixing such rates, shall follow the wage schedule established by the local wage board.

3. Establish such advisory committees and employ such part-time advisers as approved by the Secretary of Defense for the performance of civil defense functions pursuant to the provisions of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2253 (b)) and Executive Order 10242, dated May 8, 1951 (16 F.R. 4262), as appropriate, or 10 U.S.C. 173, 5 U.S.C. 55a, and the Agreement between the DoD and the Civil Service Commission on employment of experts and consultants, dated July 22, 1959.

4. Administer oaths of office incident to entrance into the Executive Branch of the Federal Government or any other oath required by law in connection with employment therein, in accordance with the provisions of the Act of June 26, 1943 (5 U.S.C. 16a), and section 403(b) of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2255(b)), and designate in writing, as may be necessary, officers and employees of the Office of Civil Defense and its subordinate activities to perform this function.

5. Establish an Office of Civil Defense Incentive Awards Board and pay cash awards to and incur necessary expenses for the honorary recognition of civilian employees of the Government whose suggestions, inventions, superior accomplishments, or other personal efforts, including special acts or services, benefit or affect the Office of Civil Defense or its subordinate activities in accordance with the provisions of the Act of September 1954 (5 U.S.C. 2123) and Civil Service Regulations.

6. In accordance with the provisions of the Act of August 26, 1950, as amended (5 U.S.C. 22–1); Executive Order 10450, dated April 27, 1953, as amended; and DoD Directive 5210.7, dated August 12, 1953 (as amended):

a. Designate any position in the Office of Civil Defense and its subordinate activities as a "sensitive" position;

b. Authorize, in case of an emergency, the appointment of a person to a sensitive position in the Office of Civil Defense and its subordinate activities for a limited period of time for whom a full field investigation or other appropriate investigation, including the National Agency Check, has not been completed; and

c. Authorize the suspension, but not the termination, of the services of an employee in the interest of national security in positions within the Office of Civil Defense and its subordinate activities.

7. Clear civil defense personnel and such other individuals as may be appropriate for access to classified Defense material and information in accordance with the provisions of DoD Directive 5210.8, dated June 29, 1955 (as amended), "Policy on Investigation and Clearance of Department of Defense Personnel for Access to Classified Defense Information" and of Executive Order 10501, dated November 5, 1953, as amended.

8. Act as agent for the collection and payment of employment taxes imposed by Chapter 21 of the Internal Revenue Code of 1954 and, as such agent, make all determinations and certifications required or provided for under section 3122 of the Internal Revenue Code of 1954 and sections 205(p) (1) and (2) of the Social Security Act, as amended (42 U.S.C. 405(p) (1) and (2)) with respect to employees of the Office of Civil Defense and its subordinate activities.

9. Authorize and approve overtime work for civilian officers and employees of the Office of Civil Defense and its subordinate activities in accordance with the provisions of § 25.221 of the Federal Employee Pay Regulations.

10. Authorize and approve:

a. Travel for civilian officers and employees in connection with civil defense activities in accordance with the Standardized Government Travel Regulations, as amended (BOB Circular A–7, Revised);

b. Temporary duty travel only for military personnel assigned or detailed to the Office of Civil Defense or its subordinate activities in accordance with Joint Travel Regulations for the Uniformed Services, dated April 1, 1951, as amended;

c. Invitational travel to persons serving without compensation whose consultive, advisory, or other highly specialized technical services are required in a capacity that is directly related to or in connection with civil defense activities, pursuant to the provisions of section 5 of the Administrative Expenses Act of 1946, as amended (5 U.S.C. 73b–2).

11. Approve the expenditure of funds available for travel by military personnel assigned or detailed to the Office of Civil Defense or its subordinate activities for expenses incident to attendance at meetings of technical, scientific, professional or other similar organizations in such instances where the approval of the Secretary of Defense or his designee is required by law (5 U.S.C. 174a). This authority cannot be redelegated.

12. Develop, establish, and maintain an active and continuing Records Management Program for the Office of Civil Defense and its subordinate activities, pursuant to the provisions of section 506 (b) of the Federal Records Act of 1950 (44 U.S.C. 396(b)).

13. Establish and use Imprest Funds for making small purchases of material and services other than personal for the Office of Civil Defense and its subordinate activities when it is determined more advantageous and consistent with the best interests of the Government, in accordance with the provisions of DoD Instruction 7280.1 and the Joint Regulation of the General Services Administration—Treasury Department—General Accounting Office, entitled "For Small Purchases Utilizing Imprest Funds".

14. Authorize the publication of advertisements, notices, or proposals in newspapers, magazines, or other public periodicals as required for the effective administration and operation of the Office of Civil Defense and its subordinate activities (44 U.S.C. 324).

15. a. Establish and maintain appropriate Property Accounts for civil defense property, equipment and supplies for which the Assistant Secretary of Defense (Civil Defense) is assigned responsibility.

b. Appoint Boards of Survey, approve reports of survey, relieve personal liability, and drop accountability for civil defense property contained in the authorized Property Accounts that has been lost, damaged, stolen, destroyed, or otherwise rendered unserviceable, in accordance with applicable laws and regulations.

16. Promulgate the necessary security regulations for the protection of property and places under the jurisdiction of the Assistant Secretary of Defense (Civil Defense), pursuant to paragraphs III, A, and V, B, of DoD Directive 5200.8, dated August 20, 1954, and section 403(a) of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2255(a)).

17. Establish and maintain, for assigned civil defense functions, an appropriate publications system for the promulgation of regulations, instructions, and reference documents, and changes thereto, pursuant to the policies and procedures prescribed in DoD Directive 5025.1, dated March 7, 1961.

18. Enter into contracts for supplies, equipment and services for civil defense purposes and, subject to the limitation contained in section 2311, Chapter 137, Title 10 U.S.C., to make the necessary determinations and findings required under that chapter. To the maximum practicable extent, procurement of supplies and equipment will be accomplished through established military procurement agencies.

19. Enter into support and service agreements with the military departments, other DoD agencies, or other Government agencies as required for the effective performance of assigned civil defense responsibilities and functions.

20. Exercise the authority delegated to the Secretary of Defense by the Administrator of the General Services Administration with respect to the disposal of surplus civil defense personal property.

21. Purchase bonds to cover civil officers and employees and military personnel of the Office of Civil Defense and its subordinate activities, in accordance with Public Law 323, 84th Congress, (6 U.S.C. 14) and regulations of the Department of the Treasury (31 CFR Part 226).

The above-delegated authorities are in addition to those contained in DoD Directive 5140.1, dated August 31, 1961, Executive Order 10952, dated July 20, 1961, and the Federal Civil Defense Act of 1950, as amended.

The Assistant Secretary of Defense (Civil Defense) may redelegate these authorities, as appropriate, and in writing, except as otherwise specifically indicated above or as otherwise provided by law or regulation.

This delegation of authorities is effective immediately.

Secretary of Defense memorandum, "Interim Delegation of Administrative Authorities for Civil Defense Functions," July 31, 1961 (26 F.R. 7840), and Deputy Secretary of Defense memorandum, "Delegation of Administrative Authorities for Civil Defense Functions," September 2, 1961 (26 F.R. 8604), are superseded by this delegation of authority.

MAURICE W. ROCHE,
*Administrative Secretary,*
*Office of the Secretary of Defense.*

[F.R. Doc. 62-1015; Filed, Jan. 30, 1962; 8:48 a.m.]

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Food and Drug Administration

## $N^6$-BENZYLADENINE

### Notice of Extension of Permit for Temporary Use

Notice is given that the Commissioner of Food and Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346(a)), and in accordance with authority delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), has at the request of the Shell Chemical Company, a Division of Shell Oil Company, 110 West 51st Street, New York 20, New York, issued a temporary tolerance of 1 part per million for residues of $N^6$-benzyladenine as a result of application just before or just after harvest on broccoli, brussels sprouts, cabbage, cauliflower, celery, endive (escarole), kale, lettuce (including head, leaf, and romaine), mustard greens, parsley, spinach, and turnip greens. Included in the conditions of granting the temporary tolerance are:

1. The total amount of pure $N^6$-benzyladenine to be used under the experimental permit will not exceed 5 pounds.

2. The pesticide will not be marketed for general sale, but will be supplied to qualified persons as permitted in the experimental permit issued by the U.S. Department of Agriculture for bona fide experimental use.

This temporary tolerance expires December 31, 1962.

Dated: January 25, 1962.

GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 62-1021; Filed, Jan. 30, 1962; 8:49 a.m.]

# DEPARTMENT OF AGRICULTURE

## Office of the Secretary

## NORTH DAKOTA

### Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87-128 (7 U.S.C. 1961) it has been determined that in Cass County, North Dakota, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after June 30, 1962, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 25th day of January 1962.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 62-1005; Filed, Jan. 30, 1962; 8:47 a.m.]

# ATOMIC ENERGY COMMISSION

[Docket No. Byproducts 30-13]

## INTERSTATE INSPECTION, INC.

### Notice of Hearing

Interstate Inspection, Inc., 4001 North Westmoreland, Dallas, Tex., hereinafter referred to as the applicant, filed with the Commission an application and an amendment thereto, received by the Commission on June 16, 1961 and October 10, 1961, respectively, for an AEC byproduct material license to conduct radiographic inspection operations utilizing Cobalt 60 and Iridium 192.

On December 12, 1961 the Director, Division of Licensing and Regulation issued a Notice of Denial of Application for Byproduct Material License, hereinafter referred to as the Notice of Denial, informing the applicant that its application for a byproduct material license was denied. The Notice of Denial was based upon investigations conducted during the period of November 20, 1961 through November 28, 1961, and alleged that the applicant had willfully and knowingly violated the Atomic Energy Act of 1954, as amended, and § 30.3 of the Commission's regulations (10 CFR Part 30) in that the applicant, on thirty-two occasions during October and November 1961, received, possessed and used a byproduct

material sealed source originally containing approximately 1,925 curies of Iridium 192 for which it was not licensed by the Commission. The Notice of Denial provided that pursuant to the Commission's "Rules of Practice", 10 CFR Part 2, the applicant might file a request for a formal hearing in the matter within thirty days following its receipt thereof. The Notice of Denial was received by the applicant on December 14, 1961. On January 13, 1962, the applicant, through its attorney, filed a timely request for a hearing in the matter.

Pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's regulations contained in Parts 2 and 30, Title 10, Code of Federal Regulations, notice is hereby given that a hearing will be held on March 14, 1962, in a courtroom to be assigned in the Federal Courthouse, Dallas, Texas, at 10:00 a.m., befor a Presiding Officer to be assigned by a subsequent order of the Chief Hearing Examiner to consider the following issues:

1. Whether Interstate Inspection, Inc., its officers, directors, stockholders, or employees violated the Atomic Energy Act of 1954, as amended, and § 30.3 of the Commission's regulations (10 CFR Part 30) as set forth in the Notice of Denial of Application for Byproduct Material License issued hereby, by the Director, Division of Licensing and Regulation, on December 12, 1961; and

2. Whether, in view of the evidence adduced pursuant to issue No. 1 above, the issuance of a byproduct material license as requested in the application filed by Interstate Inspection, Inc., would be inimical to the health and safety of the public.

Answer to this notice shall be served and filed by the applicant pursuant to § 2.736 of the Commission's "Rules of Practice", 10 CFR Part 2, on or before February 21, 1962.

Any person desiring to intervene in this matter shall not later than March 1, 1962, file a petition for leave to intervene pursuant to § 2.705 of the Commission's "Rules of Practice", 10 CFR Part 2, describing how his interest may be affected by the AEC's action in this matter and the position he is taking therein. Service of copies of the petition shall be made upon each party to the proceeding. The staff or applicant upon notice and motion filed within ten days of receipt of such petition, and other parties by leave, may contest the right of any petitioner to intervene. Petitions for leave to intervene shall be filed by mailing or telegraphing a copy to the Public Filings and Proceedings Branch, Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Md., or the AEC Public Document Room, 1717 H Street NW., Washington, D.C.

Pursuant to § 2.731 of the "Rules of Practices", 10 CFR Part 2, with the consent of the presiding officer, limited appearances may be entered without request for or grant of permission to intervene by persons who are not parties to the hearing. With the consent of the presiding officer and on due notice to the parties, such persons may make oral or written statements of their positions on the issues involved in the proceeding but may not otherwise participate in the hearing.

Dated at Germantown, Md., this 22d day of January 1962.

For the Atomic Energy Commission.

ROBERT LOWENSTEIN,
*Director, Division of Licensing and Regulation.*

[F.R. Doc. 62-983; Filed, Jan. 30, 1962; 8:45 a.m.]

# CIVIL AERONAUTICS BOARD

[Docket 10758, etc.]

## SOUTHWESTERN AREA LOCAL SERVICE CASE

### Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be heard on February 28, 1962 at 10 a.m., e.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., January 26, 1962.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F.R. Doc. 62-1030; Filed, Jan. 30, 1962; 8:50 a.m.]

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[Docket 11879, Agreement C.A.B. 14827, R-71, R-72; Order No. E-17949]

## TRAFFIC CONFERENCE 1, INTERNATIONAL AIR TRANSPORT ASSOCIATION

### Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 23d day of January 1962.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590—Commodity Rates Board.

The agreement, adopted pursuant to unprotected notices to the carriers and promulgated in IATA Memoranda TC1/Rates 1318 and TC1/Rates 1321, revises the listing of commodities under Item 100 so as to provide, in general, coverage of a wider range of articles. It also names an additional rate under Item 0006, as follows: 20 cents per kilogram, minimum weight 500 kilograms, from San Juan to Port of Spain.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered:

*Accordingly, it is ordered:*

1. That Agreement C.A.B. 14827, R-71 and R-72, which incorporates IATA Memoranda TC1/Rates 1318 and TC1/Rates 1321, is approved, provided that such approval shall not constitute approval of any specific commodity description contained therein for purposes of tariff publication.

2. That any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service, submit statements in writing, containing reasons deemed appropriate together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
*Secretary.*

[F.R. Doc. 62-1031; Filed, Jan. 30, 1962; 8:51 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14425-14442; FCC 62M-114]

## SAUL M. MILLER ET AL.

### Order Amending Issues

In re applications of Saul M. Miller, Kutztown, Pennsylvania, Docket No. 14425, File No. BP-13844; Charles Shapiro, Maple Shade, New Jersey, Docket No. 14432, File No. BP-14389; Radio Haddonfield, Inc., Haddonfield, New Jersey, Docket No. 14435, File No. BP-14321; et al., Docket Nos. 14426, 14427, 14428, 14429, 14430, 14431, 14433, 14434, 14436, 14437, 14438, 14439, 14440, 14441, 14442; for construction permits.

The Acting Chief Hearing Examiner having under consideration motion filed January 9, 1962 by Radio Haddonfield, Inc., to enlarge the issues respecting the application of Charles Shapiro and Broadcast Bureau's response to motion to enlarge issues filed January 22, 1962;

It appearing that said motion requests an additional issue to determine the availability of the transmitter site proposed in the application of Charles Shapiro;

It further appearing, that the petition has been timely filed; petitioner has pleaded sufficient allegations, which are not disputed, to warrant the enlargement of the issues in this proceeding as requested and there is no opposition thereto;

*Accordingly, it is ordered,* This 23d day of January 1962, that the petition of Radio Haddonfield, Inc., for the enlargement of issues in this proceeding is granted and: *It is further ordered,* That

the issues herein are enlarged by the inclusion of the following issue: To determine whether the applicant, Charles Shapiro, will have available the transmitter site proposed in his application.

Released: January 24, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Acting Secretary.*

[F.R. Doc. 62-1027; Filed, Jan. 30, 1962; 8:50 a.m.]

# FEDERAL POWER COMMISSION

[Docket No. G-2214]

## CITIES SERVICE GAS CO.

### Notice of Application for Amendment of Certificate Authorization

JANUARY 23, 1962.

Take notice that on October 10, 1961, Cities Service Gas Company (Applicant), First National Bank Building, Oklahoma City, Oklahoma, filed an application to amend the Commission's order of September 25, 1953, in Docket No. G-2214, issuing a certificate of public convenience and necessity authorizing Applicant to construct and operate certain facilities in Cherokee County, Kansas, and in Jasper County, Missouri, in order to sell and deliver natural gas, on an interruptible basis, to the Missouri Farmers' Association, Inc., now Farmers Chemical Company (Farmers), to be utilized by Farmers at its fertilizer plant near Empire City, Kansas. The subject order limited deliveries of natural gas to 182,077 Mcf [1] annually.

Applicant states that it has been advised by Farmers that the latter intends to expand its Empire City plant and will require 338,154 Mcf [1] of natural gas annually. Therefore, Applicant requests in the subject application that the order of September 25, 1953, be amended by deleting the volume limitation therein to allow Applicant to deliver the required increased volumes of gas.

Applicant states that no additional facilities will be required to make the increased deliveries.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 12, 1962.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 62-987; Filed, Jan. 30, 1962; 8:45 a.m.]

[Docket No. CP62-136]

## NATURAL GAS STORAGE COMPANY OF ILLINOIS

### Notice of Application and Date of Hearing

JANUARY 23, 1962.

Take notice that on November 30, 1961, Natural Gas Storage Company of Illinois (Applicant), 122 South Michigan Avenue, Chicago 3, Illinois, filed in Docket No. CP62-136 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon storage service for three of its existing customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to certificates of public convenience and necessity, Applicant transports and stores during off-peak periods natural gas owned by customers of Natural Gas Pipeline Company of America (Natural) for delivery to those customers during days of peak requirements. Three of said customers, Citizens Gas Company; City of Nashville, Illinois; and United Gas Company will receive increased quantities of gas from Natural pursuant to new executed service agreements. The application states that due to the increased contract quantities which will be received from Natural by said customers it will no longer be necessary to use the aforesaid storage services of Applicant.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 21, 1962, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 12, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 62-988; Filed, Jan. 30, 1962; 8:45 a.m.]

[Docket No. CP62-138]

## OHIO FUEL GAS CO.

### Notice of Application and Date of Hearing

JANUARY 24, 1962.

Take notice that on December 1, 1961, The Ohio Fuel Gas Company (Applicant), 99 North Front Street, Columbus 15, Ohio, filed in Docket No. CP62-138 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of miscellaneous pipeline replacement and loop facilities during the calendar year 1962 at a total cost not to exceed $2,000,000, with no single project to exceed a cost of $500,000, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this "budget-type" application is to allow Applicant to act with reasonable dispatch in scheduling and undertaking construction of minor facilities at various locations on its transmission system. Applicant states that the subject application is not for authorization for any individual facility for the specific purpose of extending service to new market areas, communities, main-line industrial customers, or for underground storage.

The proposed facilities would be financed by the Columbia Gas System, Inc., Applicant's parent.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 21, 1962, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 12, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 62-989; Filed, Jan. 30, 1962; 8:45 a.m.]

[Docket No. CP62-6]

## TEXAS EASTERN TRANSMISSION CORP. AND TEXAS GAS TRANSMISSION CORP.

### Notice of Postponement of Hearing

JANUARY 24, 1962.

By order issued December 14, 1961, the Commission remanded to the Presiding

[1] At 14.73 psia.

Examiner the above-designated proceeding and fixed a hearing thereon to commence on February 7, 1962.

Take notice that the hearing now scheduled for February 7, 1962 is hereby postponed to February 27, 1962, at 10:00 a.m., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

JOSEPH H. GUTRIDGE,
*Secretary.*

[F.R. Doc. 62-990; Filed, Jan. 30, 1962; 8:45 a.m.]

[Project No. 1971]

## IDAHO

### Partial Vacation of Withdrawal Under Section 24 of the Federal Power Act

JANUARY 24, 1962.

On September 19, 1960, the Commission gave notice of the reservation of approximately 2,030 acres of United States land to be occupied by Idaho Power Company's Boise-Brady No. 2 transmission line as part of Project No. 1971, based upon project maps Exhibits J and K filed by the licensee on July 8, 1960.

On October 30, 1961, the licensee filed revised maps, Exhibit J sheets 1 and 2, and Exhibit K sheet 4 (FPC No. 1971–192, –193, and –194, respectively), showing the "as built" transmission line location, which revised maps supersede the corresponding map sheets filed July 8, 1960.

A comparison of the revised maps with those previously submitted shows that Lot 2, Section 30, T. 5 S., R. 13 E., B.M. Idaho, previously reserved, is no longer affected by the line.

The Commission finds: The existing power withdrawal under section 24 of the Federal Power Act, insofar as it pertains to the afore-mentioned Lot 2 in connection with Project No. 1971, serves no useful purpose and vacation of the withdrawal, insofar as it pertains to Lot 2, is in the public interest.

The Commission orders: The existing power withdrawal under section 24 of the Federal Power Act pertaining to Lot 2, Section 30, T. 5 S., R. 13 E., B. M. Idaho, in connection with Project No. 1971 is vacated.

By the Commission.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 62-991; Filed, Jan. 30, 1962; 8:45 a.m.]

# FEDERAL RESERVE SYSTEM

## CITIZENS CENTRAL BANK

### Order Approving Merger of Banks

In the matter of the application of The Citizens Central Bank, Arcade, New York, for approval of merger with Bank of Delevan, Delevan, New York.

There has come before the Board of Governors, pursuant to section 18(c) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)), an application by The Citizens Central Bank, Arcade, New York, for the Board's prior approval of the merger of the Bank of Delevan, Delevan, New York, with and into The Citizens Central Bank under the charter and title of the latter.

Notice of proposed merger, in form approved by the Board of Governors, has been published, and the reports on the competitive factors involved in the proposed transaction have been furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Department of Justice, pursuant to the provisions of section 18(c) prescribing ten calendar days as the period for such notice and the furnishing of such reports when an emergency exists requiring expeditious action. The reports so furnished to the Board have been considered by it.

*It is ordered,* For the reasons set forth in the Board's Statement[1] of this date, that said merger be and hereby is approved, provided that said merger shall be consumated not later than three months after the date of this Order.

Dated at Washington, D.C., this 24th day of January 1962.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
*Secretary.*

[F.R. Doc. 62-992; Filed, Jan. 30, 1962; 8:45 a.m.]

## COLUMBUS JUNCTION STATE BANK

### Order Approving Acquisition of Bank Assets

In the matter of the application of Columbus Junction State Bank, Columbus Junction, Iowa, for approval of acquisition of assets of The Louisa County National Bank of Columbus Junction, Iowa.

There has come before the Board of Governors, pursuant to section 18(c) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)), an application by Columbus Junction State Bank, Columbus Junction, Iowa, for the Board's prior approval of the acquisition by Columbus Junction State Bank of the assets of The Louisa County National Bank of Columbus Junction, Iowa, and the assumption of the liabilities of the latter Bank.

Pursuant to said section 18(c), notice of the proposed acquisition of assets and assumption of liabilities, in form approved by the Board of Governors, has been published and reports on the competitive factors involved in the proposed transaction have been furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Department of Justice and have been considered by the Board.

*It is ordered,* For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is granted, and the proposed acquisition of assets and assumption of liabilities be and hereby are approved, provided that said acquisition and assumption shall not be consummated (a) sooner than seven calendar days after the date of this Order or (b) later than three months after said date.

Dated at Washington, D.C., this 24th day of January 1962.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
*Secretary.*

[F.R. Doc. 62-993; Filed, Jan. 30, 1962; 8:45 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to the Federal Reserve Bank of New York.

# INTERSTATE COMMERCE COMMISSION

[Notice 195]

## MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JANUARY 26, 1962.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 629 (Deviation No. 5), HELM'S EXPRESS, INC., P.O. Box 268, Pittsburgh, Pa., filed January 18, 1962. Attorney Samuel P. Delisi, 1515 Park Building, Pittsburgh 22, Pa. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over a deviation route as follows: From Hartford, Conn., over Interstate Highway 91 to Springfield, Mass., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a perti-

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to the Federal Reserve Bank of Chicago.

nent service route as follows: From Hartford over U.S. Highway 5 to Springfield, and return over the same route.

No. MC 9942 (Deviation No. 5), HALL FREIGHT LINES, INC., 12–18 College Street, Danville, Ill., filed January 19, 1962. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over a deviation route as follows: From the junction of Interstate Highway 74 and U.S. Highway 150 at East Peoria, Ill., over Interstate Highway 74 to junction U.S. Highway 150 at Morton, Ill., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From East Peoria over U.S. Highway 150 to Morton, and return over the same route.

No. MC 9942 (Deviation No. 6), HALL FREIGHT LINES, INC., 12–18 College Street, Danville, Ill., filed January 19, 1962. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over a deviation route as follows: From the junction of Interstate Highway 74 and U.S. Highway 136, at Lizton, Ind., over Interstate Highway 74 to junction U.S. Highway 136, west of Speedway, Ind., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Lizton over U.S. Highway 136 to Speedway, and return over the same route.

No. MC 9942 (Deviation No. 7), HALL FREIGHT LINES, Inc., 12–18 College Street, Danville, Ill., filed January 19, 1962. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over a deviation route as follows: From the junction of Interstate Highway 74 and U.S. Highway 136, east of Danville, Ill., over Interstate Highway 74 to junction U.S. Highway 136, west of Veedersburg, Ind., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Danville, over U.S. Highway 136 to Veedersburg, and return over the same route.

No. MC 17778 (Deviation No. 3), YALE TRANSPORT CORP., 460 12th Avenue, New York 18, N.Y., filed January 18, 1962. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over a deviation route as follows: From the junction of U.S. Highway 3 and Interstate Highway 495 (formerly Massachusetts Highway 110) at Lowell, Mass., south of North Chelmsford, Mass., over Interstate Highway 495, via Clinton, Mass, to junction U.S. Highway 20, at or near Worcester, Mass., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From New York, N.Y., over U.S. Highway 1 to New Haven, Conn., thence over U.S. Highway 5 to Springfield, Mass., thence over U.S. Highway 20 to Boston, Mass.; from Concord, N.H., over U.S. Highway 3 to North Chelmsford, thence over Massachusetts Highway 3A, via Lowell and Billerica, Mass., to junction U.S. Highway 3, thence over U.S. Highway 3 to Boston, Mass.; and from Concord, over U.S. Highway 3 to Manchester, N.H., thence over New Hampshire Highway 28 to the New Hampshire-Massachusetts State line, thence over Massachusetts Highway 28 to Boston, and return over the same routes.

No. MC 52629 (Deviation No. 6), HUBER & HUBER MOTOR EXPRESS, INC., 970 South Eighth Street, Louisville 3, Ky., filed January 15, 1962. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions over a deviation route as follows: From East Peoria, Ill., over Interstate Highway 74 to junction U.S. Highway 150 at Morton, Ill., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Terre Haute, Ind., over U.S. Highway 150 to junction U.S. Highway 36, thence over U.S. Highway 36 to Decatur, Ill., thence over Illinois Highway 121 to junction Illinois Highway 9, thence over Illinois Highway 9 to Orchard Mines, Ill., thence over U.S. Highway 24 to Peoria, Ill.; and from Decatur, Ill., over the route specified above to Peoria, thence over Illinois Highway 121 to Morton, thence over U.S. Highway 150 to Peoria, and return over the same routes.

No. MC 73462 (Deviation No. 1), CLINTON TRANSPORTATION CORP., 516 West 43d Street, New York 18, N.Y., filed January 18, 1962. Attorney Samuel P. Delisi, 1515 Park Building, Pittsburgh 22, Pa. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over a deviation route as follows: From New Haven, Conn., over Connecticut Highway 15 and Massachusetts Highway 15 (also known in whole or in part as Interstate Highway 84 or the Wilbur Cross Parkway) to Sturbridge, Mass., and return over the same route. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From New Haven, over Connecticut Highway 17 (formerly Connecticut Highway 15) to Middletown, Conn., thence over Connecticut Highway 9 to Hartford, Conn., thence over U.S. Highway 5 to Springfield, Mass. (also from Hartford over Alternate U.S. Highway 5 to Springfield, thence over U.S. Highway 20 to Sturbridge, and return over the same route).

No. MC 73462 (Deviation No. 2), CLINTON TRANSPORTATION CORP., 516 West 43d Street, New York 18, N.Y., filed January 18, 1962. Attorney Samuel P. Delisi, 1515 Park Building, Pittsburgh 22, Pa. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over a deviation route as follows: From Hartford, Conn., over Interstate Highway 91 to Springfield, Mass., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Hartford over U.S. Highway 5 to Springfield, and return over the same route.

No. MC 75320 (Deviation No. 12), CAMPBELL "66" EXPRESS, INC., P.O. Box 807, Springfield, Mo., filed January 19, 1962. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over a deviation route as follows: From St. Louis, Mo., over Interstate Highway 55 to Chicago, Ill., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Springfield, Mo., over U.S. Highway 66 via St. Louis, to Gardner, Ill., thence over Alternate U.S. Highway 66 to junction U.S. Highway 66, thence over U.S. Highway 66 to Chicago, and return over the same route.

No. MC 109376 (Deviation No. 1), E. R. SKINNER TRANSFER, Reedsburg, Wis., filed January 15, 1962. Attorney Claude J. Jasper, Suite 301 Provident Building, 111 South Fairchild Street, Madison 3, Wis. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *specified commodities,* over a deviation route as follows: From the junctions of Interstate Highway 90, Wisconsin Highway 23, U.S. Highway 12, and Wisconsin Highway 33 over Interstate Highway 90 to Chicago, Ill., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Reedsburg, Wis., over Wisconsin Highway 33 to junction U.S. Highway 12, thence over U.S. Highway 12 to junction Wisconsin Highway 89, thence over Wisconsin Highway 89 to junction U.S. Highway 14, thence over U.S. Highway 14 to Chicago, and return over the same route.

## Motor Carriers of Passengers

No. MC 1940 (Deviation No. 9), TRAILWAYS OF NEW ENGLAND, INC., 400 Trailways Building, 1200 Eye Street NW., Washington 5, D.C., filed January 19, 1962. Attorney Charles B. McInnis, 14th and K Streets NW., Washington 5, D.C. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *passengers and their baggage,* over a deviation route as follows: From the junction of U.S. Highways 3 and 3A, in Burlington, Mass., over U.S. Highway 3 (Lowell Turnpike) to junction U.S. Highway 3A, in Tyngsborough, Mass., and return over the same route, for operating convenience only, serving no

intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over pertinent service routes as follows: From Boston, Mass., over U.S. Highway 3 to junction Massachusetts Highway 3A, at Billerica, Mass., thence over Massachusetts Highway 3A, via Lowell, Mass., to junction U.S. Highway 3, at North Chelmsford, Mass., thence over U.S. Highway 3, via Hooksett, N.H., to Concord, N.H.; and from Hooksett, N.H., over Hooksett Village Road and former Daniel Webster Highway, via Suncook, N.H., to junction U.S. Highway 3, thence over U.S. Highway 3 to Concord, and return over the same routes.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-1012; Filed, Jan. 30, 1962; 8:48 a.m.]

[Notice 419]

## MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JANUARY 26, 1962.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time, if that time is observed), unless otherwise specified.

### APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

#### MOTOR CARRIERS OF PROPERTY

No. MC 903 (Sub-No. 32), filed September 22, 1961. Applicant: FALWELL FAST FREIGHT, INC., P.O. Box 937, R.F.D. No. 2, Lynchburg, Va. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Asphalt and asphalt products,* in bulk, in tank vehicles, from Greensboro, N.C., to points in Virginia, West Virginia, and points in Kentucky and Tennessee, on and east of a line beginning at the Kentucky-Ohio State line, and extending in a southerly direction along U.S. Highway 127 to its junction with U.S. Highway 27, thence along U.S. Highway 27 to the Tennessee-Georgia State line.

*HEARING:* March 6, 1962, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Examiner A. Lane Cricher.

No. MC 1124 (Sub-No. 179), filed November 20, 1961. Applicant: HERRIN TRANSPORTATION COMPANY, a corporation, 2301 McKinney Avenue, Houston, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas, Tex. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities, including Classes A and B explosives* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the site of the Manning, Maxwell, and Moore Company plant located near Alpine City, La., on U.S. Highway 71 approximately twelve (12) miles northwest of Alexandria, La., as an off-route point in connection with authorized regular route operations.

*HEARING:* March 21, 1962, at the Louisiana Public Service Commission, Baton Rouge, La., before Joint Board No. 164, or, if the Joint Board waives its right to participate, before Examiner Isadore Freidson.

No. MC 1872 (Sub-No. 54), filed November 3, 1961. Applicant: ASHWORTH TRANSFER, INC., 1526 South Sixth West Street, Salt Lake City 4, Utah. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Class A and Class B Explosives and Nitro-Carbo-Nitrate* between Hercules, Calif., and points within 10 miles thereof, and points in Utah.

NOTE: Applicant indicates that it operates the Tri-State Rig Company.

*HEARING:* March 5, 1962, at the Utah Public Service Commission, Salt Lake City, Utah, before Joint Board No. 30, or, if the Joint Board waives its right to participate, before Examiner Charles B. Heinemann.

No. MC 6945 (Sub-No. 29), filed November 8, 1961. Applicant: THE NATIONAL TRANSIT CORPORATION, 4401 Stecker Avenue, Dearborn, Mich. Applicant's attorney: Thomas I. Wattles, Dime Building, Detroit 26, Mich. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, Classes A and B explosives, matches, household goods as defined by the Commission, and commodities in bulk other than metal scrap in bulk), between Stratford, Ohio, and Columbus, Ohio, as follows: from the intersection of Ohio Highway 315 with U.S. Highway 23 south of Stratford in a southerly direction over Ohio Highway 315 to its intersection with Ohio Highway 161 immediately north of Columbus, Ohio, thence over said Ohio Highway 161 to its intersection with U.S. Highway 23 in Columbus, and return over the same route, serving all intermediate points.

NOTE: Applicant states it is a wholly owned subsidiary of and is under common control or management with Merchants Forwarding Company, a Michigan corporation, which operates pursuant to Certificate No. MC 6969.

*HEARING:* March 9, 1962, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 11694 (Sub-No. 15), filed November 14, 1961. Applicant: WILLIAM D. BUIE; WILLIAM B. BUIE, ADMINISTRATOR, 106 West Calhoun Street, Dillon, S.C. Applicant's attorney: L. Agnew Myers, Jr., Warner Building, Washington, D.C. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Fresh dressed hog carcasses or packer style dressed hogs, hogs edible offal, fresh pork cuts and fresh veal,* from Wilmington, N.C., and Greenwood, S.C., to points in Virginia, District of Columbia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, and Massachusetts.

*HEARING:* March 8, 1962, at the U.S. Court Rooms, Columbia, S.C., before Examiner A. Lane Cricher.

No. MC 17006 (Sub No. 3), filed March 17, 1960. Applicant: CARDINALE TRUCKING CORPORATION, Mt. Pleasant Avenue, Whippany, N.J. Applicant's attorney: Harris J. Klein, 280 Broadway, New York 7, N.Y. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, rags, skids, paper and paper products, machinery, materials and supplies used in the manufacture of paper and paper products, Household Goods as defined in *Practices of Motor Common Carriers of Household Goods,* 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), between Baltimore, Md., points in that part of Pennsylvania on, south and east of a line beginning at the Delaware River opposite Hancock, N.Y., and extending along Pennsylvania Highway 570 to Thompson, Pa., thence along Pennsylvania Highway 70 to Carbondale, Pa., thence along U.S. Highway 6 to Scranton, Pa., thence along U.S. Highway 11 to the Pennsylvania-Maryland State line; and those in that part of Delaware on and North of U.S. Highway 40; points in the state of New York on, south and east of a line beginning at Granville, N.Y., and extending along New York Highway 149 to Hartford, N.Y., thence along New York Highway 196 through South Hartford to Hudson Falls, N.Y., thence along New York Highway 32B to Glen Falls, N.Y., thence along U.S. Highway 9 to Saratoga Springs, N.Y., thence along New York Highway 50 to Ballston Spa, N.Y., thence along New York Highway 67 to Amsterdam, N.Y., thence along New York Highway 5 to Chitenango, N.Y., thence along New York Highway 13 to Horseheads, N.Y., thence along New York Highway 14 to the New York-Pennsylvania State line, those in that portion of New Jersey on, north and west of a line beginning at Raritan Bay, and extending along the north bank of Raritan River to New Jersey Highway 25 and thence along New Jersey Highway 25 to Camden, N.J., on the one hand, and, on the other, points in Massachusetts, Rhode Island, and Connecticut.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit No. MC 3582, a proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier in No. MC 3582 Sub No. 2.

*HEARING:* March 12, 1962, at the U.S. Army Reserve Building, 30 West 44th Street, New York, N.Y., before Examiner Edith H. Cockrill.

No. MC 23939 (Sub-No. 114), filed September 1, 1961. Applicant: ASBURY TRANSPORTATION CO., a corporation, 2222 East 38th Street, Los Angeles 58, Calif. Applicant's attorney: E. B. Evans, 718 Symes Building, Denver 2, Colo. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Government-owned or shipper-owned tube bank trailers and recharger trailers,* loaded or empty, between Schilling Air Force Base near Salina, Kans., and points within 50 miles thereof; Topeka Air Force Base near Topeka, Kans., and points within 50 miles thereof; Offut Air Force Base near Omaha, Nebr., and points within 50 miles thereof; Lincoln Air Force Base near Lincoln, Nebr., and points within 50 miles thereof; Altus Air Force Base near Altus, Okla., and points within 50 miles thereof; Dyess Air Force Base near Abilene, Tex., and points within 50 miles thereof; and Walker Air Force Base near Roswell, N. Mex., and points within 50 miles thereof.

*HEARING:* March 9, 1962, at the Albany Hotel, Denver, Colo., before Examiner Charles B. Heinemann.

No. MC 29991 (Sub-No. 33), filed November 29, 1961. Applicant: BRYAN TANK LINES, INC., 909 East Fifth Street, Cheyenne, Wyo. Applicant's attorney: Robert S. Stauffer, 1510 East 20th Street, Cheyenne, Wyo. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Crude petroleum,* in bulk, in tank vehicles, from points in Jackson County, Colo., to points in Wyoming.

*HEARING:* March 12, 1962, at the Albany Hotel, Denver, Colo., before Examiner Charles B. Heinemann.

No. MC 30844 (Sub-No. 59), filed January 25, 1962. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 218, Sumner, Iowa. Applicant's attorneys: Stockton, Linville, Lewis, and Mitchell, The 1650 Grant Street Building, Denver 3, Colo. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen foods,* and *prepared foods and foodstuffs,* frozen and unfrozen, *dehydrated potatoes, and potato products,* other than frozen; from points in Utah, Idaho, Washington, Oregon, and California, to points in all states east of the eastern boundaries of Montana, Wyoming, Utah, and Arizona.

*HEARING:* February 5, 1962, at the Public Utilities Commission, State House, Boise, Idaho, before Examiner Donald R. Sutherland.

No. MC 32474 (Sub-No. 28), filed January 8, 1962. Applicant: KEESHIN TRANSPORT SYSTEM, INC., 3131 Douglas Road, Toledo 6, Ohio. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined in Practices of Motor Common Carriers of Household Goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving Milford, Ill., as an off-route point in connection with applicant's presently authorized operations from and to Chicago, Ill.

NOTE: Applicant states no local service to be performed at any point intermediate between Milford and Chicago, Ill.

*HEARING:* March 16, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 149.

No. MC 40600 (Sub-No. 5), filed November 7, 1961. Applicant: THE HATHAWAY TRANSFER, INCORPORATED, South Belmont Street, Bellaire, Ohio. Applicant's representative: D. L. Bennett, 309 Methodist Building, Wheeling, W. Va. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *Meats and packing-house products,* and such *commodities as are dealt in by packing-houses,* when moving with shipments of meats and packing-house products, from Moundsville, W. Va., to Bellaire, Ohio; from Moundsville over West Virginia Highway 2 to Sistersville, W. Va., thence in reverse direction over West Virginia Highway 2 to New Martinsville, W. Va., thence over bridge over the Ohio River to Ohio Highway 7, thence over Ohio Highway 7 to Bellaire, serving all intermediate points and the off-route point of Woodsfield, Ohio, and *empty containers or other such incidental facilities,* used in transporting the above-described commodities, on return.

NOTE: Applicant states that service involved herein is limited to distribution from Bellaire, Ohio, to points on the proposed route in conjunction with present operating authority.

*HEARING:* March 7, 1962, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 61.

No. MC 41635 (Sub-No. 38), filed November 13, 1961. Applicant: DEALERS TRANSPORT COMPANY, a corporation, 1368 Riverside Boulevard, Memphis, Tenn. Applicant's attorney: Charles H. Hudson, Jr., 407 Broadway National Bank Building, Nashville, Tenn. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Automobiles, trucks and chassis,* in secondary movements, in truckaway and driveaway service, from points in Caddo and Bossier Parishes, La., to Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Delta, Franklin, Gregg, Hardin, Harrison, Henderson, Hopkins, Houston, Jasper, Lamar, Marion, Morris, Nacogdoches, Newton, Orange, Panola, Polk, Rains, Red River, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Trinity, Tyler, Upshur, Van Zandt, and Wood Counties, Tex.

*HEARING:* March 20, 1962, at the Louisiana Public Service Commission, Baton Rouge, La., before Joint Board No. 32, or, if the Joint Board waives its right to participate, before Examiner Isadore Freidson.

No. MC 44639 (Sub-No. 13), filed October 23, 1961. Applicant: SAM MAITA, IRVING LEVIN, AND ABE LEVIN, a partnership, doing business as L. & M. EXPRESS CO., 220 Ridge Road, Lyndhurst, N.J. Applicant's attorney: Herman B. J. Weckstein, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Wearing apparel* and *materials and supplies* used in the manufacture of wearing apparel, between New York, N.Y., and points in Bergen, Essex, and Hudson Counties, N.J., on the one hand, and, on the other, points in Delaware and Maryland which are located within the Delaware-Maryland Peninsula, south of U.S. Highway 40 (not including any points located on said U.S. Highway 40).

*HEARING:* March 8, 1962, at the U.S. Army Reserve Building, 30 West 44th Street, New York, N.Y., before Examiner Edith H. Cockrill.

No. MC 46280 (Sub-No. 43), filed November 24, 1961. Applicant: DARLING FREIGHT, INC., 4000 Division Avenue S., Grand Rapids, Mich. Applicant's attorney: Rex Eames, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined in *Practices of Motor* Common Carriers of Household Goods, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), (a) Between Detroit, Mich., and Evart, Mich., and (b) between Reed City, Mich., and Evart, Mich.

*HEARING:* March 19, 1962, at the Federal Building, Lansing, Mich., before Joint Board No. 76.

No. MC 48479 (Sub-No. 15), filed November 15, 1961. Applicant: FRIGIDWAYS, INC., P.O. Box 2387, 529 East Brooks Road, Memphis, Tenn. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Bananas,* from New Orleans, La., and Mobile, Ala., to points in North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Iowa, Missouri, Wisconsin, Illinois, Indiana, and Michigan.

*HEARING:* March 12, 1962, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner Isadore Freidson.

No. MC 50069 (Sub-No. 251), filed December 28, 1961. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 2111 Woodward Avenue, Detroit 1, Mich. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid chemicals,* from St. Louis, Mich., and points within five (5) miles thereof to points in Connecticut, Illinois, Indiana, Missouri, Ohio, New York, Pennsylvania, and Texas.

*HEARING:* March 5, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Harold P. Boss.

No. MC 50069 (Sub-No. 252), filed January 22, 1962. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 2111 Woodward Avenue, Detroit 1, Mich. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Chemicals,* in bulk from

Cleveland, Ohio, to points in Illinois, Indiana, Minnesota, Wisconsin, and St. Louis, Mo.

*HEARING:* February 20, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Reece Harrison.

No. MC 52669 (Sub-No. 6), filed October 25, 1961. Applicant: CARGOGARE TRANSPORTATION COMPANY, INCORPORATED, 522 Nance Street, Rocky Mount, N.C. Applicant's attorney: Milton P. Fields, P.O. Box 725, Rocky Mount, N.C. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Materials, supplies or equipment, used in handling, marketing, packing, prizing, redrying, shipping or storing of manufactured tobacco,* between points in North Carolina, and points in Kentucky, Virginia, Tennessee, and Maryland.

*HEARING:* March 7, 1962, at the U.S. Court Rooms, Uptown Post Office Building., Raleigh, N.C., before Examiner A. Lane Cricher.

No. MC 56082 (Sub-No. 40), filed December 15, 1961. Applicant: DAVIS & RANDALL, INC., Chautauqua Road, Fredonia, N.Y. Applicant's attorney: Kenneth T. Johnson, Bank of Jamestown Building, Jamestown, N.Y. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Malt beverages* and *advertising materials,* from Dunkirk and Buffalo, N.Y., and Ports of Entry on the International Boundary line between the United States and Canada located at Buffalo and Niagara Falls, N.Y., to points in New York, Ohio, Michigan, Indiana, Illinois, Wisconsin, Kentucky, and Pennsylvania, and *empty malt beverage containers,* on return.

*HEARING:* March 29, 1962, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner William E. Messer.

No. MC 59240 (Sub-No. 2), filed January 7, 1962. Applicant: KNUTE BERG, doing business as BERG'S TRANSFER, Dallas, Wis. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Animal and poultry feed* and *feed ingredients,* in bulk, from Minneapolis and St. Paul, Minn., to Dallas, Wis., and points within twelve (12) miles thereof.

*HEARING:* March 27, 1962, in Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Joint Board No. 142.

No. MC 59909 (Sub-No. 4), filed January 8, 1962. Applicant: THE JACOBS TRANSFER COMPANY, INC., 61 Pierce Street NE., Washington, D.C. Applicant's attorney: Francis W. McInerny, 1000 16th Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission in 17 MCC 467, commodities in bulk, and those requiring special equipment), (1) from Washington, D.C., to points in Maryland, Delaware, and Virginia east of the Chesapeake Bay and south of the Chesapeake and Delaware Canal, (2) from Annapolis, Md., to Washington, D.C., points in Delaware east of the Chesapeake Bay and south of the Chesapeake and Delaware Canal and points in Accomac, Northampton, Fauquier, Spotsylvania, Stafford, Fairfax, Prince William, and Loudon Counties, Va., and (3) *returned or undelivered shipments* of the commodities specified above, from the destination points to origin points as shown in (1) and (2) above. RESTRICTION: The authority requested above shall be limited to transportation of shipments moving from, to, or between warehouses, retail outlets, or other establishments or business houses engaged in the sale of general merchandize.

NOTE: Applicant states "Jacobs Transfer of Baltimore and Powell Transportation are under common control of Henry L. Grubbs, Jr., as is applicant".

*HEARING:* March 9, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James H. Gaffney.

No. MC 64112 (Sub-No. 12), filed January 3, 1962. Applicant: NORTHEASTERN TRUCKING COMPANY, a corporation, 2508 Starita Street, Charlotte, N.C. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Paper, paper products, pulpboard, pulp products, wood pulp,* and *waste paper and pulpboard,* from Acme, N.C., to Baltimore, Md., Bridgeton, N.J., points in Virginia on and east of U.S. Highway 15 (except those in Accomac and Northampton Counties), and points in Pennsylvania on and east of a line extending from the Maryland-Pennsylvania State line along U.S. Highway 111 to York, Pa., and on and south of a line extending from York along U.S. Highway 30 to junction U.S. Highway 202, and thence along U.S. Highway 202 through New Hope, Pa., to the Pennsylvania-New Jersey State line, and to Rahway and Newark, N.J., and New York, N.Y.; points in that part of Connecticut south of a line extending from New Haven, in a northwesterly direction through Ansonia, Sandy Hook, and Brookfield, to the Connecticut-New York State line; points in that part of New York south of U.S. Highway 202 and west of New York Highway 112 extending between Patchogue, and Port Jefferson, Long Island, N.Y. (not including New York, N.Y.); and points in that part of New Jersey and Pennsylvania bounded by a line beginning at the New Jersey-New York State line and extending along U.S. Highway 202 to junction U.S. Highway 46, thence along U.S. Highway 46 to junction U.S. Highway 206, thence along U.S. Highway 206 to Trenton, N.J., thence along U.S. Highway 1 to Philadelphia, Pa., thence to Camden, N.J., thence along the east bank of the Delaware River to Penns Grove, N.J., thence along U.S. Highway 130 to junction Alternate U.S. Highway 130 to Paulsboro, N.J., thence in an easterly direction to Clementon, N.J., thence in a northeasterly direction through Mount Holly, and Freehold, N.J., to the Atlantic Ocean, thence along the east bay and river shores of New Jersey to the New Jersey-New York State line, and thence along the New Jersey-New York State line to point of beginning, including points on the indicated portions of the highways specified.

NOTE: Applicant states it is presently transporting shipments of the named commodities which originate in Acme, N.C., and are received at Fayetteville, N.C., from another motor carrier. The purpose of this application is to permit applicant to pick up these shipments direct in Acme, N.C., and transport them to the above territory in a single line service and thus eliminate the interchange at Fayetteville, N.C.

*HEARING:* March 6, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James I. Carr.

No. MC 64932 (Sub-No. 304), filed December 4, 1961. Applicant: ROGERS CARTAGE CO., a corporation, 1934 South Wentworth Street, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Sulphur,* molten, in bulk, in tank vehicles, from Marseilles, Ill., and points within five (5) miles thereof, to points in Indiana.

*HEARING:* March 15, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 21.

No. MC 64994 (Sub-No. 35), filed November 24, 1961. Applicant: HENNIS FREIGHT LINES, INC., P.O. Box 612, Winston-Salem, N.C. Applicant's representative: Frank C. Philips, P.O. Box 612, Winston-Salem, N.C. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Alliance, Ohio, and Shenandoah, Va.

NOTE: Applicant states that the purpose of this operation is to eliminate a gateway at Greensboro, N.C., and refers to application of S. H. Mitchell, its controlling stockholder, involving common control over M & M Tank Lines, Inc. (Docket MC 123067 Sub-No. 8).

*HEARING:* March 7, 1962, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 312.

No. MC 69492 (Sub-No. 19) (REPUBLICATION), filed November 16, 1959, published FEDERAL REGISTER, issue of February 10, 1960. Applicant: HENRY EDWARDS, doing business as HENRY EDWARDS TRUCKING COMPANY, P.O. Box 97, Clinton, Ky. Applicant's attorney: Walter Harwood, Nashville Trust Building, Nashville, Tenn. The subject application as originally filed and published in the FEDERAL REGISTER, issue of February 10, 1960, sought authority as a common carrier, by motor vehicle, over a regular route, transporting: Malt beverages, from Union City, Tenn., to Jackson, Tenn., from Union City over

U.S. Highway 45–W to junction U.S. Highway 45 approximately six (6) miles southeast of Humboldt, Tenn., thence over U.S. Highway 45 to Jackson, and empty containers or other such incidental facilities used in transporting malt beverages on return, over the same route, serving no intermediate points. A Report of the Commission, division 1, on further consideration, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier,* by motor vehicle, over regular routes, of *malt beverages,* from Belleville, Ill., to Jackson, Tenn., as follows: From Belleville over Illinois Highway 159 to Red Bud, Ill., thence over Illinois Highway 3 to junction U.S. Highway 51 at or near Future City, Ill., thence over U.S. Highway 51 to Fulton, Ky., thence over U.S. Highway 45W to Union City, thence over U.S. Highway 45W to junction U.S. Highway 45E at or near Fairview, Tenn., and thence over U.S. Highway 45 to Jackson; and from Union City, Tenn., to Jackson, Tenn., over U.S. Highway 45W to junction U.S. Highway 45E at or near Fairview, Tenn., thence over U.S. Highway 45 to Jackson. The Report further provides that since the change involves the addition of service from Union City to Jackson, Miss., and may prejudice parties who relied upon the notice of filing of the application as originally published, any person or persons who may have been so prejudiced may, within 30 days from the date of this republication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 70151 (Sub-No. 30), filed November 13, 1961. Applicant: UNITED TRUCKING SERVICE, INCORPORATED, 3047 Lonyo Road, Detroit 9, Mich. Applicant's attorney: Archie C. Fraser, 1400 Michigan National Tower, Lansing 8, Mich. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods,* 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Morenci, Mich., and the junctions of U.S. Highways 20 and 127; from Morenci over Michigan Highway 156 to the Michigan-Ohio State line, thence over Ohio Highway 108 to its junction with U.S. Highway 20, thence over U.S. Highway 20 to its junction with U.S. Highway 127, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's regular-route operations.

*HEARING:* March 22, 1962, at the Federal Building, Lansing, Mich., before Joint Board No. 57.

No. MC 70151 (Sub-No. 31), filed November 13, 1961. Applicant: UNITED TRUCKING SERVICE, INCORPORATED, 3047 Lonyo Road, Detroit 9, Mich. Applicant's attorney: Archie C. Fraser, 1400 Michigan National Tower, Lansing 8, Mich. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, commodities in bulk, not including salt in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Columbus and Cincinnati, Ohio; from Columbus over U.S. Highway 40 to West Jefferson, Ohio, thence over Ohio Highway 142 to London, Ohio, thence over U.S. Highway 24 via Xenia, Ohio, to Cincinnati, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's presently authorized regular-route operations.

*HEARING:* March 9, 1962, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 37.

No. MC 72770 (Sub-No. 1), filed December 13, 1961. Applicant: OLEAN HAULING CORP., 99 North Main Street, Franklinville, N.Y. Applicant's attorney: A. J. Tener, Bank of Jamestown Building, Jamestown, N.Y. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Boats* (assembled and knocked down), *boat parts, boat trailers, boat accessories, blocking and shoring materials,* and *advertising material,* from points in Blue Earth County, Minn., and points in Stuben and Yates Counties, N.Y., to points in Ohio, Indiana, Illinois, Michigan, Wisconsin, Kentucky, Iowa, Minnesota, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, Pennsylvania, Maryland, Delaware, Virginia, West Virginia, North Carolina, South Carolina, Tennessee, New Jersey, New York, and points in Washington, D.C., and *damaged, refused, and rejected commodities* as above named, on return.

*HEARING:* March 29, 1962, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner William E. Messer.

No. MC 75185 (Sub-No. 233), filed December 29, 1961. Applicant: SERVICE TRUCKING CO., INC., P.O. Box 276, Federalsburg, Md. Applicant's attorney: James W. Lawson, 1625 K Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts,* and *articles distributed by meat packinghouses,* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209, 766, from Momence, Ill., to points in New York, New Jersey, Pennsylvania, Delaware, Virginia, and Maryland.

*HEARING:* March 2, 1962, at the Offices of the Interstate Commerce Commn., Washington, D.C., before Examiner Alton R. Smith.

No. MC 75651 (Sub-No. 52), filed December 4, 1961. Applicant: R. C. MOTOR LINES, INC., 2500 Laura Street, Jacksonville, Fla. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods,* 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), *over alternate routes for operating convenience only in connection with applicant's authorized regular route operations:* (1) Between Denmark, S.C., and Olar, S.C., over U.S. Highway 321, serving no intermediate points; (2) between Olar, S.C., and junction U.S. Highways 321 and 301, over U.S. Highway 321, serving no intermediate points; (3) between junction U.S. Highways 301 and 321 and Fairfax, S.C., over U.S. Highway 321, serving no intermediate points; (4) between Fairfax, S. C., and Estill, S.C., over U.S. Highway 321, serving no intermediate points; (5) between junction U.S. Highways 301 and 321 and Allendale, S.C., over U.S. Highway 301, serving no intermediate points; (6) between junction U.S. Highway 21 and South Carolina Highway 64 (near Ruffin, S.C.) and junction U.S. Highways 21 and 17A, over U.S. Highway 21, serving no intermediate points; (7) between junction U.S. Highways 176 and 601 and Wells, S.C., over U.S. Highway 176, serving no intermediate points; (8) between Wells, S.C., and junction U.S. Highways 176 and 52, over U.S. Highway 176, serving no intermediate points; (9) between junction U.S. Highways 176 and 52 and Charleston, S.C., over U.S. Highway 52, serving no intermediate points; (10) between junction U.S. Highway 78 and South Carolina Highway 215 and Columbia, S.C., over South Carolina Highway 215, serving no intermediate points; (11) between junction U.S. Highways 21 and 176 and Orangeburg, S.C., over U.S. Highway 21, serving no intermediate points; (12) between Orangeburg, S.C., and Rosinville, S.C., over U.S. Highway 178, serving no intermediate points; (13) between Rosinville, S.C., and Charleston, S.C., from Rosinville over U.S. Highway 178 to junction U.S. Highway 78, thence over U.S. Highway 78 to Charleston, and return over the same route, serving no intermediate points; (14) between Bamberg, S.C., and Branchville, S.C., over U.S. Highway 78, serving no intermediate points; (15) between Branchville, S.C., and St. George, S.C., over U.S. Highway 78, serving no intermediate points; (16) between St. George, S.C., and Charleston, S.C., over U.S. Highway 78, serving no intermediate points; and (17) between junction South Carolina Highways 781 and 28 and junction South Carolina Highway 781 and U.S. Highway 78 (near Williston, S.C.) over South Carolina Highway 781, serving no intermediate points.

NOTE: Applicant states it owns the stock of Cotton States Motor Lines, Inc., doing business as R. C. Motor Lines of Georgia, MC 52918. Applicant also states it controls the Georgia-Florida Motor Express, Inc., MC 109455.

*HEARING:* March 8, 1962, at the U.S. Court Rooms, Columbia, S.C., before Joint Board No. 177, or, if the Joint Board waives its right to participate before Examiner A. Lane Cricher.

No. MC 75666 (Sub-No. 1), filed December 26, 1961. Applicant: READING TRANSPORTATION COMPANY, a corporation, 12th and Market Streets, Philadelphia 7, Pa. Applicant's attorney: Lockwood W. Fogg, Jr., 415 Reading Terminal, Philadelphia 7, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment and commodities injurious or contaminating to other lading), in service which shall be limited to that which is auxiliary to or supplemental of the rail service of Reading Company and to points which are stations on the rail lines of Reading Company: (1) Between Bloomsburg, and Benton, Pa., from Bloomsburg over Pennsylvania Highway 339 to Benton, and return over the same route serving the intermediate points of Light Street, Orangeville, Forks, Zaners, and Stillwater, Pa., and the off-route point of Paper Mill, Pa., (2) between Milton, and Mahanoy City, Pa., from Milton over Pennsylvania Highway 642 to junction of Pennsylvania Highway 54, to junction of U.S. Highway 11, to junction of Pennsylvania Highway 42, to junction of Pennsylvania Highway 242, to junction of Pennsylvania Highway 44, to Mahanoy City, and return over the same route, serving the intermediate points of Mooresburg, Mausdale, Grovania, Rupert, Mainville and Shumans (Forest Siding), Pa., and the off-route point of Beaver Valley, Pa., (3) between Shamokin and Dornsife, Pa., from Shamokin over Pennsylvania Highway 225 to Dornsife, and return over the same route serving the intermediate points of Dunkelbergers and Hunter, Pa., (4) between South Bound Brook, and Port Reading, N.J., from South Bound Brook over N.J. Highway 527 to junction of N.J. Highway 28, to junction of N.J. Highway 529, to junction of U.S. Highway 1 to the town of Woodbridge thence over unnumbered highways to Port Reading, and return over the same route serving the intermediate points of Steelton and Woodbridge, Pa., and the off-route points of Durham and Woodbridge Junction, Pa., (5) between Camp Hill and Shippensburg, Pa., from Camp Hill over U.S. Highway 11 to Shippensburg, and return over the same route, serving the intermediate point of Carlisle, Pa., (6) between Carlisle and Gettysburg, Pa., from Carlisle, over Pennsylvania Highway 34 to Gettysburg, and return over the same route, serving the intermediate points of Mt. Holly Springs, Hunters Run, Goodyear, Gardners, Bendersville, and Biglerville, Pa., and the off-route points of Bonny Brook, Carlisle Junction, Toland and Peach Glen, Pa., (7) between junction of Pennsylvania Highway 34 and Pennsylvania Legislative Route 21008 approximately 1½ miles north of Mount Holly Springs, and Shippensburg, Pa., from junction Pennsylvania Highway 34 and Pennsylvania Legislative Route 21008, over Route 21008 to Junction Pennsylvania Highway 33, to Shippensburg, and return over the same route, serving the intermediate points of Huntsdale, Greythorne and Lees Cross Roads, Pa., and the off-route points of Moor's Mill and Longsdorf, Pa., (8) between Camp Hill and Gettysburg, Pa., from Camp Hill over Pennsylvania Highway 15 to Gettysburg, and return over the same route, serving no intermediate points, (9) between the intersection of U.S. Highway 15 and Legislative Route 21027 approximately 3½ miles north of Dillsburg, Pa., and the intersection of Pennsylvania Highways 34 and 174, approximately 2¼ miles north of Mt. Holly Springs, from the junction of U.S. Highway 15 and Route 21027 over Route 21027 to junction of Pennsylvania Highway 74, to junction of Pennsylvania Highway 174, to junction of State Highway 34, and return over the same route, serving the intermediate points of D. & M. Junction, Brandtsville, Boiling Springs and Craighead, Pa.

NOTE: Applicant states "Reading Transportation Company is a wholly owned subsidiary of Reading Company, a Class I railroad."

*HEARING:* March 2, 1962, at the Offices of the Interstate Commerce Commn., Washington, D.C., before Examiner James Anton.

No. MC 76032 (Sub-No. 166), filed November 3, 1961. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver 23, Colo. Applicant's attorney: O. Russell Jones, Bokum Building, 142 West Palace Avenue, Santa Fe, N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives* and *general commodities* (except those of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading and livestock), (1) between Lubbock and Lamesa, Tex.; from Lubbock over U.S. Highway 87 to Lamesa, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's otherwise authorized regular-route operations and (2) between Lamesa and Odessa, Tex.; from Lamesa over Texas Highway 137 to junction Texas Highway 349, thence over Texas Highway 349 to junction U.S. Highway 80, thence over U.S. Highway 80 to Odessa, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's otherwise authorized regular - route operations.

NOTE: Applicant states it controls Brooks Truck Lines, Inc. and San Leandro Freight Lines through stock ownership, and pending disposition of section 5 proceedings it controls General Expressways, Inc. and Fred W. Schultz through management.

*HEARING:* March 6, 1962, at 11:00 a.m., at the Herring Hotel, Amarillo, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate before Examiner Walter R. Lee.

No. MC 84212 (Sub-No. 25), filed December 4, 1961. Applicant: DORN'S TRANSPORTATION, INC., Railroad Avenue Extension, Albany 5, N.Y. Applicant's attorney: John J. Brady, Jr., 75 State Street, Albany 7, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), *over regular routes:* Between Plattsburg, N.Y., and the port of entry on the International Boundary line between the United States and Canada, at or near Champlain, N.Y., as follows: From Plattsburgh over U.S. Highway 9 to said port of entry on the International Boundary line between the United States and Canada at or near Champlain, and return over the same route, serving the intermediate points of Chazy and Champlain, N.Y.; *and over irregular routes:* Between points in Clinton, Franklin, Essex, and Warren Counties, N.Y., on the one hand, and, on the other, points on applicant's presently authorized regular route operations in said Counties (Clinton, Franklin, Essex, and Warren) under Certificate No. MC-84212 and sub-numbers thereunder.

NOTE: Applicant states that the proposed operations are to be performed in connection with its presently authorized operations.

*HEARING:* March 15, 1962, at the Federal Building, Albany N.Y., before Examiner William E. Messer.

No. MC 95540 (Sub-No. 394) (AMENDMENT), filed January 8, 1962, published FEDERAL REGISTER issue January 17, 1962, amended January 20, 1962, and republished as amended this issue. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Duane W. Acklie, 605 South 12th Street, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* and *prepared foods and foodstuffs*, frozen and unfrozen, from points in Idaho, Oregon, Utah, and Washington, to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, West Virginia, Wisconsin, and Wyoming.

NOTE: Applicant states that it is affiliated with Arctic Express, Inc. through stock ownership in Bill Watkins, and Watkins Motor Lines, Inc. The purpose of this republication is to add the destination States of North Carolina and South Carolina.

*HEARING:* Remains as assigned February 5, 1962, at the public Utilities Commission, State House, Boise, Idaho before Examiner Donald R. Sutherland

No. MC 96485 (Sub-No. 2), filed December 11, 1961. Applicant: MELVIN J.

ROBINSON, Colden, N.Y. Applicant's representative: Raymond A. Richards, 35 Curtice Park, P.O. Box 25, Webster, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Alloys, alloy scrap, refractories, crucibles, grinding wheels, refractory cements,* and *abrasive grains,* from points in Ashland, Ashtabula, Belmont, Carroll, Columbiana, Coshocton, Cuyahoga, Geauga, Guernsey, Harrison, Holmes, Jefferson, Lake, Lorain, Mahoning, Medina, Muskingum, Portage, Stark, Summit, Trumbull, Tuscarawas, and Wayne Counties, Ohio, and Allegheny, Armstrong, Beaver, Butler, Cambria, Cameron, Clarion, Clearfield, Crawford, Elk, Erie, Fayette, Forest, Greene, Indiana, Jefferson, Lawrence, McKean, Mercer, Somerset, Venango, Warren, Washington, and Westmoreland Counties, Pa., and the Lower Peninsula of Michigan, to Buffalo, N.Y., and points in Erie and Niagara Counties, N.Y., and (2) *refractories and sand,* from points in Huntingdon and Mifflin Counties, Pa. to points in Erie ad Monroe Counties, N.Y., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

*HEARING:* March 28, 1962, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner William E. Messer.

No. MC 98236 (Sub-No. 2), filed December 13, 1961. Applicant: I. A. McCANN, doing business as McCANN TRUCKING LINES, Highway 1, Alexandria, La. Applicant's attorney: Lamar Polk, 715 Johnston Street, Alexandria, La. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor bus bodies, complete with chassis, wheels, and tires,* in truckaway service, from New Orleans, La., and Houston, Tex., to Alexandria, La., on shipments having a prior movement by water.

*HEARING:* March 19, 1962, 1:00 o'clock p.m., U.S. standard time, at the Louisiana Public Service Commission, Baton Rouge, La., before Joint Board No. 32, or, if the Joint Board waives its right to participate, before Examiner Isadore Freidson.

No. MC 103051 (Sub-No. 121), filed December 7, 1961. Applicant: WALKER HAULING CO., INC., P.O. Box 13444 Station K, 340 Armour Drive NE., Atlanta 24, Ga. Applicant's attorney: R. J. Reynolds, Jr., Suite 1424–35, C & S National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid tallow, animal oils, animal greases, animal fats,* and *blends of the aforesaid commodities,* in bulk, in tank vehicles; from Orangeburg, S.C., to points in Georgia (except points in Bartow, Forsyth, and Clarke Counties, and except Atlanta, Gainesville, Macon, and Savannah, Ga.); and points in North Carolina (except points in Mecklenburg County).

*HEARING:* March 9, 1962, at the U.S. Court Rooms, Columbia, S.C., before Joint Board No. 130, or, if the Joint Board waives its right to participate before Examiner A. Lane Cricher.

No. MC 103378 (Sub-No. 224), filed December 26, 1961. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products,* in bulk, in tank vehicles, from the terminal site of the Tenneco Oil Company located at or near Southport, Fla., to points in Georgia beyond 175 miles of Southport, Fla., and to points in South Carolina.

*HEARING:* March 13, 1962, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 354, or if the Joint Board waives its right to participate, before Examiner A. Lane Cricher.

No. MC 103880 (Sub-No. 236), filed October 11, 1961. Applicant: PRODUCERS TRANSPORT, INC., 224 Buffalo Street, New Buffalo, Mich. Applicant's attorney: Carl Steiner, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Hydrogen gas,* in shipper-owned cylinder trailers; (a) from Cleveland and Findlay, Ohio, to Hemlock, Mich.; and (b) from Midland, Mich., to Cleveland and Findlay, Ohio.

NOTE: Applicant states that it owns fifty percent (50%) of the outstanding shares of stock of Tank Truck Transport, Ltd.

*HEARING:* March 23, 1962, at the Federal Building, Lansing, Mich., before Joint Board No. 57.

No. MC 104430 (Sub-No. 30), filed December 7, 1961. Applicant: CAPITAL TRANSPORT COMPANY, INC., P.O. Box 789, McComb, Miss. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products,* in bulk, in tank vehicles, from Chalmette and Meraux, La., to points in Mississippi.

*HEARING:* March 22, 1962, at the Louisiana Public Service Commission, Baton Rouge, La., before Joint Board No. 28, or, if the Joint Board waives its right to participate, before Examiner Isadore Freidson.

No. MC 104675 (Sub-No. 17), filed December 7, 1961. Applicant: FRONTIER DELIVERY, INC., 620 Elk Street, Buffalo 10, N.Y. Applicant's attorney: Thomas J. Runfola, 631 Niagara Street, Buffalo, N.Y. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Asphalt,* in bulk, in tank vehicles, from East Providence, R.I., to Oriskany Falls, N.Y., and *damaged, refused, and rejected shipments,* on return.

*HEARING:* March 19, 1962, at the Federal Building, Albany, N.Y., before Examiner William E. Messer.

No. MC 106603 (Sub-No. 64), filed September 29, 1961. Applicant: DIRECT TRANSIT LINES, INC., 20 Colrain Street SW., Grand Rapids, Mich. Applicant's attorney: Rex Eames, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Animal and poultry feed,* in bulk, and, in mixed shipments of bulk and packages, from Mentone, Ind., to points in Michigan.

*HEARING:* March 20, 1962, at the Federal Building, Lansing, Mich., before Joint Board No. 9.

No. MC 106603 (Sub-No. 65), filed October 25, 1961. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street SW., Grand Rapids 8, Mich. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Salt,* from Manistee, Mich., to Elberta, Mich.

*HEARING:* March 22, 1962, at the Federal Building, Lansing, Mich., before Joint Board No. 76.

No. MC 106965 (Sub-No. 185), filed December 26, 1961. Applicant: M. I. O'BOYLE & SON, INC., doing business as O'BOYLE TANK LINES, 1825 Jefferson Place NW., Washington 6, D.C. Applicant's attorney: Dale C. Dillon (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Dry sugar,* in bulk, in tank vehicles equipped with pneumatic unloading facilities, from Philadelphia, Pa., to points in Delaware, the District of Columbia, Maryland, Virginia, and points in that part of West Virginia on and north of a line beginning at Parkersburg, W. Va., at the junction of the Ohio River and U.S. Highway 50, thence east along U.S. Highway 50 to the junction of U.S. Highway 19, thence south along U.S. Highway 19 to junction of U.S. Highway 33, and thence east and south along U.S. Highway 33 to the Virginia-West Virginia State line.

NOTE: Applicant states it is under common control with O'Boyle Tank Lines, Incorporated, a Virginia corporation, which is a carrier of petroleum products, in bulk, in tank vehicles from Friendship, N.C., to southern Virginia.

*HEARING:* March 2, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Henry C. Darmstadter.

No. MC 107839 (Sub-No. 40), filed October 9, 1961. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., 4716 Humboldt Street, Denver 16, Colo. Applicant's attorney: Alvin J. Meiklejohn, Jr., Suite 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Chilled and frozen juices and citrus products,* requiring refrigeration, in vehicles equipped with temperature control devices, and *canned juices and citrus products,* between points in Texas, on the one hand, and, on the other, points in Colorado, New Mexico, Wyoming, Utah, Idaho, Montana, Nevada, Oregon, Washington (except Kennewick), and Scottsbluff, Nebr., and (2) *meat and packinghouse products* as described in section A, B, and C of appendix I to *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, between points in Alabama, Florida, Georgia, Mississippi, Tennessee, Texas,

and Oklahoma City, Okla., on the one hand, and, on the other, points in Colorado, Wyoming, Utah, Idaho, Montana, Nevada, Oregon, and Washington.

NOTE: Applicant states all duplicating authority is to be eliminated.

*HEARING:* March 6, 1962, at the Albany Hotel, Denver, Colo., before Examiner Charles B. Heinemann.

No. MC 108449 (Sub-No. 142), filed January 17, 1962. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul 13, Minn. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wisc. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Tallows, lards, greases, animal oils* and *vegetable oils,* liquid or dry, in bulk, between points in Minnesota, and *rejected or returned shipments* on return.

NOTE: Applicant states that Moore Motor Freight Lines, Inc., is its wholly-owned subsidiary.

*HEARING:* February 13, 1962, at Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Joint Board No. 145, or, if the Joint Board waives its right to participate, before Examiner Henry C. Darmstadter.

No. MC 109435 (Sub-No. 22), filed January 10, 1962. Applicant: ELLSWORTH BROS. TRUCK LINE, Drawer J, Stroud, Okla. Applicant's attorney: Max G. Morgan, 443-54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Dry cement,* from Tulsa, Okla., and points within five (5) miles thereof to points in Kansas, Missouri, and Arkansas and points in Sherman, Hansford, Ochiltree, Lipscomb, Moore, Hutchinson, Roberts, Hemphill, Potter, Carson, Gray, Wheeler, Randall, Armstrong, Donley, Collingsworth, Childress, Hardeman, Wilbarger, and Wichita Counties, Tex.

*HEARING:* March 23, 1962, at the Federal Building, Oklahoma City, Okla., before Examiner Walter R. Lee.

No. MC 109478 (Sub-No. 44), filed November 17, 1961., Applicant: WORSTER MOTOR LINES, INC., East Main Road, R.D. No. 1, North East, Pa. Applicant's attorney: William W. Knox, 23 West Tenth Street, Erie, Pa. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Grape juice,* in bulk, in tank vehicles; from Westfield, N.Y., to Front Royal, Va.

*HEARING:* March 26, 1962, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner William E. Messer.

No. MC 109632 (Sub-No. 18), filed November 27, 1961. Applicant: LOPEZ TRUCKING, INC., 131 Linden Street, Waltham, Mass. Applicant's attorney: Kenneth B. Williams, 111 State Street, Boston 9, Mass. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Building materials* (except commodities in bulk), between Newark and Kearny, N.J., and New York, N.Y., on the one hand, and, on the other, points in that part of Pennsylvania west of a line beginning at the New York-Pennsylvania line near Hallstead, Pa., and extending south through Reading and Wilkes-Barre, Pa., to the Pennsylvania-Maryland State line, including the points named, and that part of New York west of a line beginning at the New York-Pennsylvania State line, near Barryville, N.Y., and extending north through Herkimer and Potsdam, N.Y., to the boundary of the United States and Canada, including the points named.

*HEARING:* March 6, 1962, at the U.S. Army Reserve Building, 30 West 44th Street, New York, N.Y., before Examiner Edith H. Cockrill.

No. MC 109689 (Sub-No. 126), filed November 13, 1961. Applicant: W. S. HATCH COMPANY, a corporation, 643 South 800 West, Woods Cross, Utah. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Soda ash,* in bulk, in bags and containers, and in mixed shipments of bulk and bags and containers, from points in Sweetwater County, Wyo., to points in Arizona, California, Colorado, Idaho, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, and Washington, and points in El Paso County, Tex.

*HEARING:* March 5, 1962, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner Charles B. Heinemann.

No. MC 109703 (Sub-No. 2), filed October 9, 1961. Applicant: M & D HAULING, INC., Bliss, N.Y. Applicant's attorney: Robert V. Gianniny, 25 Exchange Street, Rochester, N.Y. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Pepper in packages in mixed shipments with salt,* from Silver Springs, N.Y., to points in Pennsylvania, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, on return.

*HEARING:* March 22, 1962, at the Manger Hotel, Rochester, N.Y., before Examiner William E. Messer.

No. MC 109708 (Sub-No. 18), filed January 5, 1962. Applicant: ERVIN J. KRAMER, doing business as MARYLAND TANK TRANSPORTATION COMPANY, 401 Highland Street, Frederick, Md. Applicant's attorney: Wilmer B. Hill, Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Fresh orange juice,* in bulk, in tank vehicles, from Fort Pierce, Fla., to Glendale, Long Island, N.Y., Detroit, Mich., Columbus and Cleveland, Ohio, Lexington, Ky., High Point, N.C., Springfield, Mass. and Bellows Falls, Vt.

*HEARING:* March 8, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Wm. N. Culbertson.

No. MC 110264 (Sub-No. 20), (REPUBLICATION), filed March 10, 1960, published FEDERAL REGISTER, issue of August 23, 1961. Applicant: ALBUQUERQUE PHOENIX EXPRESS, INC., Albuquerque, N. Mex. Applicant's attorney: Paul Sullivan, 1821 Jefferson Place NW., Washington 6, D.C. By application filed March 10, 1960, applicant sought authority as a common carrier, by motor vehicle, transporting general commodities, including Classes A and B explosives, but with certain exceptions, serving U.S. Government missile sites as off-route points in connection with applicant's authorized regular-route operations. A Report and Order, served January 16, 1962, recommended by Joint Board No. 240, composed of the Honorable Francis J. Brynes of Arizona, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, of general commodities (except articles of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving missile sites at points in Pima, Cochise, Pinal, Santa Cruz Counties, Ariz., as off-route points in connection with applicant's authorized regular-route operation to and from Tucson, Ariz. The operations as recommended are somewhat broader than those originally sought. Accordingly, any persons or person who might have been prejudiced by lack of notice as to the authority actually proposed, may, within 30 days from the date of this republication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 110525 (Sub-No. 475), filed November 21, 1961. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Dry chemicals,* in bulk, in tank and hopper-type vehicles, from Niagara Falls, N.Y., to points in Delaware, Maryland, New Jersey, Ohio, New York, Pennsylvania, and West Virginia.

NOTE: Applicant holds contract carrier authority in MC 117507 and Subs thereunder.

*HEARING:* March 26, 1962, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner William E. Messer.

No. MC 111045 (Sub-No. 24), filed December 7, 1961. Applicant: REDWING CARRIERS, INC., Palm River Road, P.O. Box 426, Tampa, Fla. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products* (including liquefied petroleum gas and nitrogen solution), in bulk, in tank vehicles, from points in Bradford County, Fla., to points in Florida and Georgia.

NOTE: Applicant indicates that it and Rockana Carriers, Inc. are jointly controlled. (MC-F-6866).

*HEARING:* March 12, 1962, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 64, or, if the Joint Board waives its right to participate, before Examiner A. Lane Cricher.

No. MC 111401 (Sub-No. 126), filed December 18, 1961. Applicant: GROEN-

DYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Enid, Okla. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid animal feeds* and *liquid animal feed ingredients,* in bulk, in tank vehicles, from Crete, Nebr., to points in Colorado, Kansas, New Mexico, Oklahoma, and Texas, and *rejected shipments* of the above-specified commodities, on return.

*HEARING:* March 21, 1962, at the Federal Building, Oklahoma City, Okla., before Examiner Walter R. Lee.

No. MC 111401 (Sub-No. 127), filed December 18, 1961. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Enid, Okla. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Molasses,* in bulk, in tank vehicles, from points in Colorado, to points in Kansas, New Mexico, Oklahoma, and Texas, and *rejected shipments,* of the above-specified commodities, on return.

*HEARING:* March 22, 1962, at the Federal Building, Oklahoma City, Okla., before Examiner Walter R. Lee.

No. MC 112020 (Sub-No. 146), filed December 11, 1961. Applicant: COMMERCIAL OIL TRANSPORT, INC., 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Resins,* in bulk, in tank vehicles, from Houston, Tex., to points in New Mexico, South Dakota, and North Dakota.

NOTE: Applicant states it is owned and controlled by the same stockholders that own and control Commercial Oil Transport, of Oklahoma Inc.

*HEARING:* March 27, 1962, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Examiner Isadore Freidson.

No. MC 112627 (Sub-No. 7), filed October 9, 1961. Applicant: OWENS BROS., INC., Box 247, Dansville, N.Y. Applicant's representative: Raymond A. Richards, 35 Curtice Park, P.O. Box 25, Webster, N.Y. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Advertising matter* (in mixed shipments with wine and grape juice) from Naples, N.Y., to Charleston, W. Va., Detroit, Mich., New York, N.Y., Richmond, Va., St. Louis, Mo., and points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Maryland, Massachusetts, New Jersey, Ohio, Pennsylvania, Rhode Island, and Wisconsin; (2) *wine and grape juice,* in containers, from Naples, N.Y. to St. Louis, Mo.; (3) *wine and grape juice,* in containers, from Naples, N.Y., to points in Illinois (except Chicago, Ill.) and Indiana, restricted to stop-off shipments only; and (4) *Fertilizer spreaders, insecticides, pesticides and herbicides,* in containers (when transported in mixed shipments with fertilizer and fertilizer materials), from Carteret, N.J., to points in Allegany, Chemung, Livingston, and Steuben Counties, N.Y.; and *empty containers or other such incidental facilities* used in transporting the commodities specified in this application on return.

NOTE: Applicant states that it presently holds authority for the transportation of wine and grape juice, from and to the points involved (except points in (2) and (3) above, for which authority is hereby being requested). The purpose of this request is to obtain the necessary authority to transport *advertising matter* in mixed shipments with wine and grape juice. Applicant further states that it presently holds authority to serve Chicago, Ill., and that the authority herein requested is to enable applicant to serve points in Illinois and Indiana on shipments *stopped-off in transit* at points in those states for partial unloading, when destined to points applicant is presently authorized to serve. Referring to (4) herein, applicant states that it presently holds authority to transport fertilizer and fertilizer materials. This request is for authority to transport the additional commodities in (4) in mixed shipments with fertilizer and fertilizer materials.

*HEARING:* March 21, 1962, at the Manger Hotel, Rochester, N.Y., before Examiner William E. Messer.

No. MC 112627 (Sub-No. 8), filed December 20, 1961. Applicant: OWENS BROS., INC., Box 247, Danville, N.Y. Applicant's representative: Raymond A. Richards, 35 Curtice Park, P.O. Box 25, Webster, N.Y. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Wine* and *grape juice,* in containers, *advertising matter* (in mixed shipments of wine and grape juice), and *empty containers or other incidental facilities (not specified) used in transporting the commodities specified in this application,* between Hammondsport and Naples, N.Y.

*HEARING:* March 22, 1962, at the Manger Hotel, Rochester, N.Y., before Examiner William E. Messer.

No. MC 113622 (Sub-No. 4), filed December 8, 1961. Applicant: SAMPSON HAULING CORP., Pavilion, N.Y. Applicant's attorney: Kenneth T. Johnson, Bank of Jamestown Building, Jamestown, N.Y. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Sand, gravel* and *crushed stone,* from Machias, N.Y., and points within ten (10) miles thereof to points in Elk, McKean, Potter and Warren Counties, Pa.

*HEARING:* March 28, 1962, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner William E. Messer.

No. MC 114019 (Sub-No. 78), filed January 15, 1962. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road., Chicago 29, Ill. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Foodstuffs, food preparations and baby supplies,* from Fremont, Mich., to points in Iowa.

NOTE: Applicant states it "controls Little Audrey's Transportation, Inc., and has temporary authority to control Chamberland's Express, Inc., and Independent Truckers, Inc."

*HEARING:* March 1, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Hugh M. Nicholson.

No. MC 114364 (Sub-No. 61), filed November 24, 1961. Applicant: WRIGHT MOTOR LINES, INC., 16th and Elm Streets, Rocky Ford, Colo. Applicant's attorney: Marion F. Jones, 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Mineral mix,* from Hutchinson, Kans., and points within five (5) miles thereof, to points in Texas, points in Colorado east of the Continental Divide, and those in New Mexico on and north of U.S. Highway 60 and on and east of a line beginning at junction U.S. Highways 60 and 85 and extending along U.S. Highway 85 to junction U.S. Highway 84, and thence along U.S. Highway 84 to the New Mexico-Colorado State line, including points on the indicated portions of the highways specified.

NOTE: Applicant states it is controlled by Earl Bray, Inc., Docket No. MC–F 6984.

*HEARING:* March 12, 1962, at the Albany Hotel, Denver, Colo., before Examiner Charles B. Heinemann.

No. MC 114533 (Sub-No. 29), filed November 20, 1961. Applicant: BANKERS DISPATCH CORPORATION, 4658 South Kedzie Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Commercial papers, documents* and *written instruments* (except coins, currency and negotiable securities) *as are used in the conduct and operation of banks and banking institutions,* between Cleveland, Ohio, and Detroit, Mich.

*HEARING:* March 5, 1962, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 57.

No. MC 114533 (Sub-No. 31), filed November 29, 1961. Applicant: BANKERS DISPATCH CORPORATION, 4658 South Kedzie Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Exposed and processed film and prints, complimentary replacement film,* and *incidental dealer handling supplies* (except motion picture film, and materials and supplies used in connection with commercial and television motion pictures); and (2) *data processing papers, punch cards, magnetic encoded documents, magnetic tape, punch paper tape, printed reports and documents,* and *office records,* between Cleveland, Ohio, and Detroit, Mich.

*HEARING:* March 5, 1962, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 57.

No. MC 114533 (Sub-No. 32), filed December 1, 1961. Applicant: BANKERS DISPATCH CORPORATION, 4658 South Kedzie Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Commercial papers, documents,* and *written instruments* (except coins, currency, and negotiable securities) as are used in the conduct and op-

eration of banks and banking institutions, between Chicago, Ill., on the one hand, and on the other, points in Walworth, Jefferson, Dodge, Columbia, and Kenosha Counties, Wis.

*HEARING:* March 13, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 17.

No. MC 114533 (Sub-No. 35), filed December 26, 1961. Applicant: BANKERS DISPATCH CORPORATION, 4658 South Kedzie Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chcago 3, Ill. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, and written instruments* (except coins, currency, and negotiable securities) as are used in the conduct and operation of banks and banking institutions between Chicago, Ill., on the one hand, and, on the other, points in Wood, Portage, Marathon, and Waupaca Counties, Wis.

*HEARING:* March 12, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 17.

No. MC 114569 (Sub-No. 47), filed January 5, 1962. Applicant: SHAFFER TRUCKING, INC., Elizabethville, Pa. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Cheese,* from Milton, Elizabethville, and points in Washington Township (Dauphin County), Pa., to points in New York (except New York, N.Y., and points on Long Island, N.Y.), New Jersey, Maryland, and the District of Columbia.

NOTE: Applicant states the proposed service will be performed in pool truck distribution.

*HEARING:* March 7, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Henry A. Cockrum.

No. MC 114989 (Sub-No. 6), filed December 1, 1961. Applicant: BRACEY & MARTIN, INC., 1910 South Walnut Street, Hopkinsville, Ky. Applicant's attorney: James C. Havron, Nashville Bank and Trust Building, Nashville, Tenn. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Malt beverages,* in containers, from Peoria, Ill., to Hopkinsville, Ky., and *empty containers or other such incidental facilities,* (not specified) used in transporting the above described commodities, on return.

NOTE: Applicant holds common carrier authority in MC 115762, therefore dual operations may be involved.

*HEARING:* March 16, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 1.

No. MC 115841 (Sub-No. 88), filed January 19, 1962. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, P.O. Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen foods,* from Nashville, Tenn., to points in Florida, Georgia, and Alabama.

NOTE: Applicant advises, the proposed service to Alabama and Georgia will be restricted to partial delivery of shipments on which final delivery is to be made in Florida.

*HEARING:* February 14, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Harold P. Boss.

No. MC 115841 (Sub-No. 89), filed January 19, 1962. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, P.O. Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products* and *frozen foods,* (1) from Harrisburg, Chester, and Scranton, Pa., Wilmington, Del., Baltimore, Md., Savannah, Ga., Charleston, S.C., and Norfolk, Va., to points in North Carolina, South Carolina, Georgia, Alabama, Florida, Mississippi, Louisiana, Texas, Arkansas, Tennessee, and Oklahoma, and (2) from Tampa, Fla., to points in Maryland, Virginia, Delaware, West Virginia, North Carolina, South Carolina, Georgia, Alabama, Florida, Mississippi, Louisiana, Texas, Arkansas, Tennessee, Kentucky, Kansas, Nebraska, Illinois, Iowa, Missouri, Indiana, Ohio, Pennylvania, New York, Michigan, Minnesota, Colorado, New Jersey, Oklahoma, and Washington, D.C.

*HEARING:* February 8, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Joseph A. Reilly.

No. MC 115841 (Sub-No. 90), filed January 19, 1962. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, P.O. Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen foods* (when transported in same vehicle with shipments of meats, meat products, meat byproducts, dairy products and articles distributed by meat packing houses), from Memphis, Tenn., to points in Missouri located south and east of Perry, St. Francois, Washington, Crawford, Phelps, Pulaski, Laclede, Wright, Douglas, and Ozark Counties, Mo.

*HEARING:* February 8, 1962, at the Claridge Hotel, Memphis, Tenn., before Examiner Richard H. Roberts.

No. MC 115841 (Sub-No. 91), filed January 19, 1962. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, P.O. Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Dairy products, shortening, vegetable oil,* and *vegetable oil shortening,* from Memphis, Tenn., to points in Illinois, Iowa, Kansas, Nebraska, Missouri, North Dakota, and South Dakota.

*HEARING:* February 6, 1962, at the Claridge Hotel, Memphis, Tenn., before Examiner Richard H. Roberts.

No. MC 115841 (Sub-No. 92), filed January 19, 1962. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, P.O. Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen meat,* from Wilmington, Del., to points in North Carolina, South Carolina, Tennessee, Georgia, Alabama, Mississippi, Louisiana, and Florida.

*HEARING:* February 14, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Abraham J. Essrick.

No. MC 115841 (Sub-No. 93), filed January 19, 1962. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, P.O. Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen foods* from points in Alabama to points in Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Louisiana, Kansas, Kentucky, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, North Carolina, North Dakota, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

*HEARING:* February 8, 1962, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner Alton R. Smith.

No. MC 115841 (Sub-No. 94), filed January 19, 1962. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, P.O. Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products,* and *frozen foods,* from Harrisburg, Chester and Scranton, Pa., Wilmington, Del., Baltimore, Md., Savannah, Ga., Charleston, S.C., and Norfolk, Va., to points in Maryland, Virginia, Delaware, West Virginia, Kentucky, Kansas, Nebraska, Illinois, Iowa, Missouri, Indiana, Ohio, Pennsylvania, New York, Michigan, Minnesota, Colorado, New Jersey, and Washington, D.C.

*HEARING:* February 8, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Joseph A. Reilly.

No. MC 116077 (Sub-No. 114), filed November 6, 1961. Applicant: ROBERTSON TANK LINES, INC., P.O. Box 9218, 5700 Polk Avenue, Houston, Tex. Applicant's attorney: Thomas E. James, Esperson Building, Suite 1535, Houston 2, Tex. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Petroleum refinery treating waste,* in bulk, from points in Calcasieu Parish and St. Charles Parish, La., to points in Texas.

*HEARING:* March 29, 1962, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Joint Board No. 32, if the Joint Board waives its right to participate, before Examiner Isadore Freidson.

No. MC 117395 (Sub-No. 2), filed October 25, 1961. Applicant: JAMES B. BRASWELL, SR., doing business as SOUTHERN CEMENT TRANSPORT, 319 Louisiana Bank Building, Shreveport, La. Applicant's attorney: Robert L. Garrett, 705 Slattery Building, Shreveport, La. Authority sought to operate as a *contract carrier,* by motor vehicle,

over irregular routes, transporting: *Cement,* in bulk, between points in Louisiana, Texas, Arkansas, and Oklahoma.

NOTE: Applicant states the proposed service will have a prior movement by rail or water.

*HEARING:* March 15, 1962, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner Isadore Freidson.

No. MC 117574 (Sub-No. 61), filed January 8, 1962. Applicant: DAILY EXPRESS, INC., Box 434, Mountain Route 3, Carlisle, Pa. Applicant's representative: David E. Lutz (same as applicant's). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Agricultural implements,* (2) *water well purifiers,* (3) *pipe and conduit,* (4) *parts, attachments, and fittings for items (1), (2), and (3) above, when moving at the same time and in the same vehicle as items (1), (2), and (3),* between points in Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island, New York, New Jersey, Delaware, Maryland, District of Columbia, Pennsylvania, Virginia, and West Virginia, on the one hand, and, on the other, points in Wisconsin.

*HEARING:* March 8, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lyle C. Farmer.

No. MC 117823 (Sub-No. 6), filed January 22, 1962. Applicant: RALPH F. DUNKLEY, doing business as DUNKLEY DISTRIBUTING COMPANY, 240 California Avenue, Salt Lake City, Utah. Applicant's attorney: Lon Rodney Kump, 716 Newhouse Building, Salt Lake City 11, Utah. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen foods and potato products,* not frozen from points in Washington, to points in Oregon, California, Wyoming, Idaho, Nevada, Utah, Arizona, and Denver, Colo.

*HEARING:* February 5, 1962, at the Public Utilities Commission, State House, Boise, Idaho, before Examiner Donald R. Sutherland.

No. MC 117933 (Sub-No. 2), filed November 13, 1961. Applicant: LOUIS G. PARIS, Box "O", Krebs, Okla. Applicant's attorney: Max G. Morgan, 443-54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Beer and malt beverages,* (1) from Omaha, Nebr., Kansas City, St. Louis, and St. Joseph, Mo., and Belleville, Ill., to Altus, Ardmore, Chickasha, Clinton, Enid, Lawton, Oklahoma City, Ponca City, Poteau, Shawnee, and Woodward, Okla., (2) From St. Joseph, Mo., to McAlester and Durant, Okla., and *empty containers or other such incidental facilities* used in transporting the above described commodities in connection with (1) and (2) above, on return.

*HEARING:* March 16, 1962, at the Federal Building, Oklahoma City, Okla., before Exeminer Walter R. Lee.

No. MC 117954 (Sub-No. 8), filed November 6, 1961. Applicant: H. L. HERRIN, JR., 101 Airline Highway, Metairie, La. Applicant's attorney: Harold R. Ainsworth, 2307 American Bank Building, New Orleans, La. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Bananas,* from Houston, Tex., to points in Texas, New Mexico, Arizona, California, Colorado, Oklahoma, Missouri, Nebraska, Kansas, Minnesota, Utah, North Dakota, South Dakota, Wyoming, Iowa, Alabama, Arkansas, Georgia, Idaho, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Montana, Ohio, Oregon, Tennessee, Washington, West Virginia, and Wisconsin.

*HEARING:* March 26, 1962, at the Federal Office Building, Franklin and Fannin Street, Houston, Tex., before Examiner Isadore Freidson.

No. MC 117995 (Sub-No. 4) (SECOND AMENDMENT), filed January 9, 1962, published FEDERAL REGISTER, issues of January 17 and 24, 1962, and republished as amended, this issue. Applicant: NEIL B. OLMSTED, E. R. OLMSTED, AND ALVIN H. ANDERSON, doing business as REFRIGERATED TRUCK LINES, Route 3, Box 147, Mount Vernon, Wash. Applicant's attorney: George R. Labissoniere, 333 Central Building, Seattle 4, Wash. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen foods* and *potato products,* not frozen, (1) between points in Washington, Oregon, Idaho, and California, on the one hand, and, on the other, points in Washington, Oregon, Idaho, California, New York, Kentucky, Wyoming, Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, North Dakota, Wisconsin, Oklahoma, Ohio, South Dakota, Utah, Arizona, New Mexico, Texas, and Louisville, Ky., (2) between points in Idaho, on the one hand, and, on the other, points in Oregon and Washington, and (3) between points in California, on the one hand, and, on the other, points in Washington and Oregon.

NOTE: The purpose of this amendment is to include service to the additional destination States of Washington, Oregon, Idaho, and California in Item (1) above.

*HEARING:* Remains as assigned February 5, 1962, at the Public Utilities Commission, State House, Boise, Idaho, before Examiner Donald R. Sutherland.

No. MC 118196 (Sub-No. 3), filed January 25, 1962. Applicant: RAYE & COMPANY TRANSPORTS, INC., P.O. Box 613, Hiway 71 North, Carthage, Mo. Applicant's attorney: Robert R. Hendon, 3200 Cummings Lane, Chevy Chase 15, Md. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen foods,* and *potato products,* frozen and unfrozen, *onion rings* and *fish,* cooked (including breaded), blanched, processed and dehydrated, frozen and unfrozen, in straight shipments and in mixed shipments, with *frozen berries,* and *frozen vegetables* and *frozen fruits,* from points in Idaho, Oregon, Washington, and Utah, to points in Oklahoma, Missouri, Kansas, Nebraska, Iowa, Arkansas, Texas, Louisiana, Colorado, New Mexico, California, Arizona, Mississippi, Alabama, Georgia, Florida, and Tennessee.

*HEARING:* February 5, 1962, at the Public Utilities Commission, State House, Boise, Idaho, before Examiner Donald R. Sutherland.

No. MC 118821 (Sub-No. 1), filed September 28, 1961. Applicant: J. B. HONEYCUTT COMPANY, INC., Lucama, N.C. Applicant's attorney: J. Ruffin Bailey, Seventh Floor, Raleigh Building, P.O. Box 1773, Raleigh, N.C. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Asphalt and asphalt products,* in bulk, in tank vehicles, from Greensboro, N.C., to points in Virginia, West Virginia, and those in Kentucky and Tennessee on and east of a line beginning at the Kentucky-Ohio State line, and extending in a southerly direction along U.S. Highway 127 to its junction with U.S. Highway 27, thence along U.S. Highway 27 to the Tennessee-Georgia State line.

*HEARING:* March 6, 1962, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Examiner A. Lane Cricher.

No. MC 119684 (Sub-No. 2), filed December 20, 1961. Applicant: FULLERTON MOTOR TRUCK SERVICE, INC., 1821 West 334d Place, Chicago 8, Ill. Applicant's representative: George S. Mullins, 4704 West Irving Park Road, Chicago 41, Ill. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Chlorinated solvent (Perchlorethylene), Norg-clor solvent, Trichlorethylene, Carbon Tetrachloride, Methylene. Chloride,* in bulk, in special multiple compartmentized tank trucks, equipped with special specification meters, gaskets, lining coating of tanks, special hose and other specialized equipment, from Chicago, Ill., to points in Lake, Porter, Newton, Jasper, LaPorte, Benton, Starke, Pulaski, and White Counties, Ind.

*HEARING:* March 15, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 21.

No. MC 123304 (Sub-No. 4), filed November 13, 1961. Applicant: SOUTHERN COURIERS, INC., 1316 North Carroll, Dallas, Tex. Applicant's attorney: Ewell H. Muse, Jr., Perry Brooks Building, Suite 415, Austin 1, Tex. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Commercial papers, documents* and *written instruments* such as are used in the businesses of banks and banking institutions (excluding coin, currency, bullion and negotiable securities), between Dallas, Texas, on the one hand, and, on the other, points in Montgomery County, Kans., points in McDonald County, Mo., and points in Oklahoma.

NOTE: Applicant states that it is "controlled by Arthur DeBevoise, who also controls Armored Carrier Corporation, under Docket No. MC 112750."

*HEARING:* March 20, 1962, at the Federal Building, Oklahoma City, Okla., before Examiner Walter R. Lee.

No. MC 123582 (Sub-No. 2), filed November 20, 1961. Applicant: BYRON

GRANTHAM, doing business as GRANTHAM TRUCKING SERVICE, P.O. Box 452, Roseboro, N.C. Applicant's attorney: Cyrus James Faircloth, Esq., East Railroad Street, P.O. Box 297, Roseboro, N.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clay products*, namely, *drain tile, silo brick, clablok, flue lining, flue thimbles, face brick* and *common brick*, from points in Sampson County, N.C., to points in South Carolina, Virginia, and Maryland, except in the Commercial Zone of Baltimore, Md.

*HEARING:* March 7, 1962, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Examiner A. Lane Cricher.

No. MC 123848 (Sub-No. 2), filed November 30, 1961. Applicant: DANIEL W. RAKER, doing business as SALVAGE TRANSPORTATION, 9166 Wiseman Road, Lambertville, Mich. Applicant's attorney: Eugene C. Ewald, Guardian Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal, and empty containers or other such incidental facilities* (not specified) used in transporting the commodity specified, between Toledo, Ohio, on the one hand, and (a) points in Michigan on and south of a line beginning at Muskegon, Mich., on Highway M–20 east to Bay City, Mich., thence east over U.S. Highway 25 to Port Sanilac, Mich., and (b) points in Indiana, on and east of a line beginning at Michigan City, Ind., south over U.S. Highway 421 to Indiana Highway 43 and U.S. Highway 231 south to U.S. Highway 36, and on and north of Highway 40, thence east over U.S. Highway 40 to the Indiana-Ohio State line.

*HEARING:* March 20, 1962, at the Federal Building, Lansing, Mich., before Joint Board No. 9.

No. MC 123981, filed October 3, 1961. Applicant: DUREWOOD POTTER, R. D. No. 2, Homer, N.Y. Applicant's attorney: John T. Ryan, 35 Main Street, Cortland, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Calcite crystals, non-skid barn calcite, calcite flour, lime, agricultural hydrate lime and hydrated spray lime*, from points in Sussex County, N.J., to points in Cortland, Cayuga, Onondaga, and Tompkins Counties, N.Y.

*HEARING:* March 20, 1962, at the Federal Building, Syracuse, N.Y., before Examiner William E. Messer.

No. MC 123988, filed October 17, 1961. Applicant: HAROLD LEE SHERMAN, WILLIAM WILLIS BODDIE, THOMAS G. POWELL, AND T. M. EVANS, a partnership, doing business as SHERMAN AND BODDIE, 1001 College Street, Oxford, N.C. Applicant's attorney: John R. Jordan, Jr., Suite 616 First Citizens Bank Building, Raleigh, N.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Yarn, supplies, and textile machinery*, between Henderson, N.C., on the one hand, and, on the other, Barnesville, and Berryton, Ga.; Chicago, and Rochelle, Ill., Mishawaka, Ind.; Lowell, North Dighton, Canton, Chelsea, Lawrence, New Bedford, Mass.; Grand Rapids, Detroit, Livonia, and Lansing, Mich.; Belmont, and Laconia, N.H.; Bound Brook, Beverly, Bridgeton, Groveville, Newark, Millville, Mt. Holly, Jersey City, and Perth Amboy, N.J.; Livonia, Attica, Buffalo, Johnstown, Elmira, Ballston Spa, and Perry, N.Y.; Cinncinnati, Piqua, and Cleveland, Ohio; Philadelphia, Adamstown, Stowe, Mohrsville, Leesport, Reading, Chester, Nazareth, York, Norristown, Mohnton, Owingsburg, Pottstown, Hamburg, Macungie, Birdsboro, Allentown, Phoenixville, and Fleetwood, Pa.; Central Falls, Pawtucket, Woonsocket, R.I.; York, Jefferson, Fingerville, Greenville, Seneca, Charleston, and Clover, S.C.; Chattanooga, Memphis, and Dyersburg, Tenn.; Richmond, Martinsville, and Roanoke, Va.; and Delvan, Portage, Sheboygan, and Jefferson, Wis.; (2) *Yarn, supplies and textile machinery* between Martinsville, Va.; Baltimore, Md.; Clinton, S.C.; Whittinsville, Hopedale, Mass.; Greensboro, Gastonia, Charlotte, High Point, N.C.; on the one hand, and, on the other, Henderson, N.C.; (3) (a) *Motor oil, antifreeze, and grease* in containers, between Norfolk, Va., on the one hand, and, on the other, Oxford, N.C. (applicant requests restriction against transportation of these commodities in bulk in tank vehicles); (b) *Agricultural machinery (including hay racks, forage harvesters, manure spreaders, four wheel wagons, crop dryers and elevators, and hay balers)* between Atlanta, Ga., New Holland, Mountville, and Belleville, Pa., on the one hand, and, on the other Oxford, N.C.; (c) *Tobacco planters and parts* between Holland, Mich., on the one hand, and, on the other, Oxford, N.C.; (d) *Baler twine* between Philadelphia, Pa.; Norfolk, Va., on the one hand, and, on the other, Oxford, N.C.; (e) *Pipe* between Sparrows Point, Md.; Aliquippa, Pa., on the one hand, and, on the other, Oxford, N.C.; (f) *Dry calcium chloride* bagged between Solvay, N.Y., on the one hand, and, on the other, Oxford, N.C.; (g) *Used tractors and used agricultural implements* between Dothan, Ala., Moultrie, Ga., on the one hand, and, on the other, Oxford, N.C.; (4) (a) *Motor oil, antifreeze, and grease* in containers, between Norfolk, Va., on the one hand, and, on the other, Louisburg, N.C. (applicant requests restriction against transportation of these commodities in bulk in tank vehicles); (b) *Agricultural machinery (including hay balers, hay racks, forage harvesters, manure spreaders, four wheel wagons, crop dryers and elevators)* between Atlanta, Ga.; New Holland, Mountville, and Belleville, Pa.; on the one hand, and, on the other, Louisburg, N.C.; (c) *Tobacco planters and parts* between Holland, Mich., on the one hand, and, on the other, Louisburg, N.C.; (d) *Baler twine* between Philadelphia, Pa.; Norfolk, Va., on the one hand, and, on the other, Louisburg, N.C.; (e) *Pipe* between Sparrows Point, Md.; Aliquippa, Pa.; on the one hand, and, on the other, Louisburg, N.C.; (f) *Dry calcium chloride* bagged between Solvay, N.Y., on the one hand, and, on the other, Louisburg, N.C.; (g) *Used tractors and used agricultural implements* between Dothan, Ala.; Moultrie, Ga.; on the one hand, and, on the other, Louisburg, N.C.

*HEARING:* March 5, 1962, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Examiner A. Lane Cricher.

No. MC 124031, filed November 6, 1961. Applicant: LANIER PRODUCE COMPANY, INC., 423 Terminal Market, 1500 South Zarzamora Street, San Antonio, Tex. Applicant's attorney: Robert L. Strickland, Frost National Bank Building, San Antonio 5, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from New Orleans, La., Gulfport, Miss., and Galveston, Houston, Freeport, Brownsville, and Corpus Christi, Tex., to Amarillo, Tex.

NOTE: Applicant proposes to transport exempt commodities and commodities owned by applicant, on return.

*HEARING:* March 20, 1962, at the Louisiana Public Service Commission, Baton Rouge, La., before Joint Board No. 246, or if the Joint Board waives its right to participate, before Examiner Isadore Freidson.

No. MC 124025, filed December 1, 1961. Applicant: GLASS WHOLESALE, INC., 200 North Chestnut, Newkirk, Okla. Applicant's attorney: W. T. Brunson, 419 Sixth Street, Oklahoma City 3, Okla. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Flour;* in bags and in bulk, and *mill feeds*, in bags and in bulk; from the plant site of Dixie-Portland Flour Mills, Inc., at or near Arkansas City, Kans., to points in Arkansas, Kansas, Missouri, Ohio, Oklahoma, Tennessee, and Texas; (2) *Glassware;* from Sapulpa, Okla., to the plant site of Dixie-Portland Flour Mills, Inc., Arkansas City, Kans.; (3) *Cardboard;* from Sand Springs, Okla., to the plant site of Dixie-Portland Flour Mills, Inc., Arkansas City, Kans.

NOTE: Applicant states it will also transport exempt commodities as defined by section 203(b)(6) of the Interstate Commerce Act, on return trips.

*HEARING:* March 19, 1962, at the Federal Building, Oklahoma City, Okla., before Examiner Walter R. Lee.

No. MC 124035 (Sub-No. 1), filed December 4, 1961. Applicant: CHARLES A. WOLFERSHEIM, 50 Westbrook Drive, Nassau, N.Y. Applicant's attorney: George A. Roland, Chamber of Commerce Building, 75 Chapel Street, Albany, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New and used uncrated upholstered furniture*, between Albany, N.Y., and points within Vermont, New Hampshire, Massachusetts, Connecticut, New York, and Rhode Island.

*HEARING:* March 19, 1962, at the Federal Building, Albany, N.Y., before Examiner William E. Messer.

No. MC 124036, filed November 8, 1961. Applicant: ANTHONY GERALD CHAUFFE, 720 Weyer Street, Gretna, La. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ice cream mix,*

*butter and cheese,* in packages, in refrigerated van equipment, from Russellville, Ark., to points in Louisiana, Mississippi, and Alabama, and *empty containers or other such incidental facilities,* used in transporting the above-specified comodities, on return, and (2) *Sugar,* from New Orleans, La., to Russellville, Ark., and *empty containers or other such incidental facilities,* used in transporting the above-specified commodity, on return.

*HEARING:* March 16, 1962, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner Isadore Freidson.

No. MC 124053, filed November 17, 1961. Applicant: SCOVERA CARTAGE COMPANY, a corporation, 3601 Wyoming Avenue, Dearborn, Mich. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Coal tar,* in tank vehicles, (1) from Toledo, Ohio, to points in Michigan, and (2) from Detroit, Mich., to points in Ohio.

NOTE: Applicant has contract carrier authority under MC 47053 and Sub-No. 6, so dual operations may be involved. Applicant states that its stockholders are affiliated with A. F. Posnik and Company, and with Michigan Transportation Company, both of which hold common carrier authority to operate in interstate commerce.

*HEARING:* March 21, 1962, at the Federal Building, Lansing Mich., before Joint Board No. 57.

No. MC 124064, filed November 24, 1961. Applicant: GERALDINE L. EISENBACH, doing business as BRANT HAULAGE, 42 Rowanwood Avenue, Brantford, Ontario, Canada. Applicant's attorney: John K. Kimball, Marine Trust Building, Buffalo 3, N.Y. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Gluestock materials* from ports of entry on the International Boundary between United States and Canada, located at Detroit and Port Huron, Mich., and Buffalo and Niagara Falls, N.Y., to Gowanda, N.Y., and Carrolville, Wis.; and (2) *Coal* from points in Pennsylvania to ports of entry on the International Boundary between United States and Canada at Detroit and Port Huron, Mich., and Buffalo and Niagara Falls, N.Y., on return.

*HEARING:* March 27, 1962, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner William E. Messer.

No. MC 124065, filed November 24, 1961. Applicant: COLORADO-ARIZONA-CALIFORNIA EXPRESS, INC., 1749 Julian Street, Denver, Colo. Applicant's attorney: Herbert M. Boyle, 738 Majestic Building, Denver 2, Colo. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat by-products* and *articles distributed by meat packinghouses* as defined by the Commission and (2) *frozen foods, fresh fruits* and *vegetables,* between Greeley, Denver and Pueblo, Colo., on the one hand, and, on the other, points in New Mexico, Arizona, Nevada, and California.

*HEARING:* March 13, 1962, at the Albany Hotel, Denver, Colo., before Examiner Charles B. Heinemann.

No. MC 124076, filed November 30, 1961. Applicant: WM. DAVIS, 20800 Greenview Street, Southfield, Mich. Applicant's attorney: William B. Elmer, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Sand,* in bulk, from points in Wayne County, Mich., to points in Ohio.

NOTE: Applicant states that it owns 25 percent of the stock of Ohio Tri-County Trucking Company, which has authority to operate as a common carrier, but that the authority herein sought will not in any way duplicate the authority held by Ohio Tri-County Trucking Company.

*HEARING:* March 21, 1962, at the Federal Building, Lansing, Mich., before Joint Board No. 57.

No. MC 124077 (Sub-No. 1), filed December 1, 1961. Applicant: A. C. MILLER, Rodney (Ontario), Canada. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes transporting: (1) *Cement,* in bulk, from the Port of Entry on the International Boundary line between the United States and Canada at or near Buffalo, N.Y., to points in Pennsylvania, and (2) *Coal,* in bulk, from points in Pennsylvania to the Port of Entry on the International Boundary line between the United States and Canada at or near Buffalo, N.Y.

NOTE: Applicant holds contract carrier authority in MC 115952 and Sub 1.

*HEARING:* March 30, 1962, at Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner William E. Messer.

No. MC 124087, filed December 7, 1961. Applicant: WAYNE MILK HAULERS, INC., 26 Harvester Avenue, Batavia, N.Y. Applicant's representative: Raymond A. Richards, 35 Curtice Park, P.O. Box 25, Webster, N.Y. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Juices,* in bulk, in tank vehicles, from points in New York and Ohio to points in Virginia.

NOTE: Applicant holds contract carrier authority in MC 118090.

*HEARING:* March 23, 1962, at the Manger Hotel, Rochester, N.Y., before Examiner William E. Messer.

No. MC 124123, filed December 29, 1961. Applicant: SCHWERMAN TRUCKING CO. OF ILL., INC. 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski, 620 South 29th Street, Milwaukee 46, Wis. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Cement,* from Chicago, Ill., to points in Illinois, Indiana, and Wisconsin.

NOTE: Applicant states it "is controlled by Schwerman Trucking Co. (Wisconsin parent corporation) which control was approved by the Commission. Also controls Schwerman Trucking Co. of Ohio, Schwerman Co. of Pa., Inc., Schwerman Trucking Co. of Indiana, Inc., Schwerman Trucking Co. of Texas, and Schwerman Trucking Co. of N.Y., Inc." It is further noted that applicant has contract authority under MC 115577 and Subs thereunder, therefore, dual operations may be involved.

*HEARING:* March 14, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 17.

No. MC 124139, filed January 7, 1962. Applicant: LEONARD V. GRANZOW, doing business as GRANZOW TRUCKING CO., Route 1, Box 88, Hopkins, Minn. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Such commodities, as are dealt in by wholesale grocery and produce business houses,* from points in the Minneapolis, St. Paul, Minn., Commercial Zone, as defined by the Commission, to Stillwater, Minn.

*HEARING:* March 28, 1962, in Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Joint Board No. 142.

## APPLICATIONS FOR BROKERAGE LICENSES

### MOTOR CARRIERS OF PASSENGERS

No. MC 12456 (Sub-No. 2) (AMENDMENT), filed August 8, 1961, published in FEDERAL REGISTER issue of October 25, 1961, amended October 30, 1961, and republished, this issue. Applicant: SKI BIRD TOURS, INC., 2039 Broadway, New York, N.Y. Applicant's attorney: Sidney J. Leshin, 608 Fifth Avenue, New York 20, N.Y. For a license (BMC 5) to engage in operations as a *broker* at New York, N.Y., in arranging for the transportation by motor vehicle in interstate or foreign commerce of *passengers and their baggage,* in the same vehicle with passengers, both as individuals and groups, in round-trip, all expense tours, between New York, N.Y., and points in Nassau, Suffolk and Westchester Counties, N.Y., on the one hand, and, on the other, points in Connecticut, Massachusetts, Vermont, Pennsylvania, New Hampshire, New York, New Jersey, Virginia, and West Virginia.

NOTE: The purpose of this republication is to add the states of New Jersey, Virginia, and West Virginia as points of destination.

*HEARING:* March 2, 1962, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Examiner Edith H. Cockrill.

No. MC 12780, filed November 22, 1961. Applicant: ROBERT R. ROGERS, doing business as BUCK ROGERS TRAVEL SERVICE, Hotel Cortez Lobby, El Paso, Tex. Authority sought to operate as a broker (BMC 5), at El Paso, Tex., in arranging for the transportation of *passengers and their baggage,* between points in the United States including ports of entry between the United States and Mexico and Canada.

*HEARING:* March 12, 1962, at the Hotel Paso Del Norte, El Paso, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate before Examiner Walter R. Lee.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 22179 (Sub-No. 2) (CLARIFICATION AND CORRECTION), filed July 7, 1961, published in FEDERAL REGISTER issue of July 19, 1961, amended September 6, 1961, and republished, as amended, January 10, 1962, and further published, as clarified and corrected, this issue. Applicant: DUDLEY E. FREEMAN, doing business as FREEMAN TRUCK LINE, Box 467, Oxford, Miss. Applicant's attorney: Edward G. Grogan, 1500 Commerce Title Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Memphis, Tenn., and Oxford, Miss., and (2) between Grenada and Oxford, Miss.; (1) from Memphis over U.S. Highway 51 to junction Mississippi Highway 6 at Batesville, Miss.; thence over Mississippi Highway 6 to Oxford, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with carrier's regular route operations between Memphis and Oxford and between Memphis and Grenada; and (2) from Grenada over U.S. Highway 51 to junction Mississippi Highway 6 at Batesville; thence over Mississippi Highway 6 to Oxford and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with carrier's regular route operations between Grenada and Oxford and between Memphis and Grenada.

NOTE: Applicant's attorney advises that the amendment as filed was not intended to alter in any respect the original authority granted the applicant insofar as the commodity description contained in the original certificate is concerned.

No. MC 66562 (Sub-No. 1867) (CORRECTION), filed December 20, 1961, published FEDERAL REGISTER issue January 4, 1962, corrected January 18, 1962, republished as corrected this issue. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx, 219 East 42d Street, New York 17, N.Y. Notice of the filing of the subject application as published in the FEDERAL REGISTER issue of January 4, 1962, at page 66, indicated that the proposed operations covering the transportation of general commodities, moving in express service, between Baltimore, Md., and Washington, D.C., over specified highways, serving certain intermediate or off-route points, was conditioned to traffic "covering in addition to the motor carrier movement by applicant, an immediately prior or immediately subsequent movement by rail or air", in error. The purpose of this republication is to strike such reference.

No. MC 66562 (Sub-No. 1869), filed January 2, 1962. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 21, N.Y. Applicant's attorney: William H. Marx, Railway Express Agency, Inc., Law Department, 219 East 42d Street, New York 21, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, (1) Between Buffalo, N.Y., and Sharon, Pa., as follows: From Buffalo over U.S. Highway 20 to Erie, Pa., thence over U.S. Highway 19 to junction U.S. Highway 62, thence over U.S. Highway 62 to Sharon, and return over the same route, serving the intermediate points of Erie and Meadville, Pa.; and (2) Between Buffalo, N. Y., and junction U.S. Highways 19 and 422 as follows: From Buffalo over U.S. Highway 20 to Erie, Pa., thence over U.S. Highway 19 to junction U.S. Highway 422, and return over the same route, serving the intermediate points of Erie and Meadville, Pa. RESTRICTIONS: (1) Service to be performed by carrier shall be limited to service which is auxiliary to or supplemental of, express service; (2) Shipment transported by said carrier shall be limited to those moving on a through bill of lading or express receipt, and (3) Such further specific conditions as the Commission in the future may find necessary to impose in order to restrict carrier's operation to service which is auxiliary to, or supplemental of, express service.

NOTE: Applicant states the proposed motor operations will be an extension of, and will be operated in connection with applicant's existing motor operations under Certificates in MC 66562 (Sub-Nos. 865 and 1461).

No. MC 69274 (Sub-No. 5), filed January 18, 1962. Applicant: M & R TRANSPORTATION CO., INC., 147 Park Street, Akron, Ohio. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); serving the site of applicant's new terminal located approximately seven miles north of Providence, R.I., on Rhode Island Highway 116, as an off-route point in connection with applicant's presently authorized regular-route operations.

NOTE: Applicant is presently authorized to serve Providence, R.I., however, applicant indicates that the site of its new terminal is two miles beyond the existing commercial zone of Providence.

No. MC 112750 (Sub-No. 92), filed January 19, 1962. Applicant: ARMORED CARRIER CORPORATION, 222-17 Northern Boulevard, Bayside, N.Y. Applicant's attorney: James K. Knudson, 1821 Jefferson Place NW., Washington, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed film and prints, complimentary replacement film*, and *incidental dealer handling supplies and advertising literature moved therewith* (excluding motion picture film used primarily for commercial theatre and television exhibition), (a) Between Washington, D.C., on the one hand, and, on the other, Wilmington, Del., and Philadelphia, Pa., and points in Harford, Worcester, Dorchester, Kent, Talbot, Frederick, Washington, Wicomico, Carroll, Caroline, and Queen Annes Counties, Md., and Frederick, Spotsylvania, Loudoun, and Warren Counties, Va., and (b) Between Philadelphia, Pa., on the one hand, and, on the other, points in Columbia, Wayne, and Wyoming Counties, Pa.

NOTE: Applicant states the proposed service will be performed for the account of Eastman Kodak Co.

No. MC 113024 (Sub-No. 16), filed January 20, 1962. Applicant: ARLINGTON JOHN WILLIAMS, doing business as A. J. WILLIAMS, 152 Killoran Drive, New Castle, Del. Applicant's attorney: Samuel W. Earnshaw, 983 National Press Building, Washington 4, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clothing, dry goods, materials and supplies used in the manufacture of sewn articles*, between Manchester, La Grange, Newnan, Ga., and Lafayette, Ala., on the one hand, and, on the other, Atlanta Airport, at or near Atlanta, Ga., on traffic originating at or destined to points outside the State of Georgia.

NOTE: Applicant advises, that the proposed service to and from Newnan, Ga., will be restricted to in Stations Wagons only. It is further noted that proposed service will be for the accounts of International Latex Corporation and Sarong, Inc.

No. MC 114194 (Sub-No. 38), filed January 17, 1962. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville, Road, East St. Louis, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar* and *blends*, in bulk, from points in the St. Louis, Mo., East St. Louis, Ill., Commercial Zone, to points in Illinois, Indiana, Kentucky, Tennessee, Arkansas, Missouri, Iowa, and Nebraska, and *rejected shipments* of the above-specified commodities, on return.

No. MC 119422 (Sub-No. 9), filed January 18, 1962. Applicant: EE-JAY MOTOR TRANSPORTS, INC., 15th and Lincoln, East St. Louis, Ill. Applicant's attorney: Marvin W. Goldenhersh, 406 Missouri Avenue, East St. Louis, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum wax*, in temperature controlled tank vehicles, and *damaged and defective shipments*, between East St. Louis, Ill., on the one hand, and, on the other, points in Minnesota and Wisconsin.

No. MC 123486 (Sub-No. 3), filed January 17, 1962. Applicant: CAROLINA-VIRGINIA COURIERS INC., 519 East Trade Street, P.O. Box 1503, Charlotte, N.C. Applicant's attorney: James K. Knudson, 1821 Jefferson Place NW., Washington, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed film and*

*prints, complimentary replacement film, incidental dealer handling supplies and advertising literature moved therewith* (excluding motion picture film used primarily for commercial theatre and television exhibition), between Washington, D.C., and Richmond, Va., on the one hand, and, on the other, points in Bedford, Nottoway, Montgomery Pittsylvania, Southampton, Rockbridge, Campbell, Henry, Dinwiddie, Pulaski, Roanoke, Augusta, and James City Counties, Va.

NOTE: Applicant states the proposed operation is for the account of Eastman Kodak Co. Common control may be involved.

MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Sub-No. 261), filed January 19, 1962. Applicant: THE GREYHOUND CORPORATION, 140 South Dearborn Street, Chicago 3, Ill. Applicant's attorney: Robert J. Bernard (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, newspapers and mail* in the same vehicle with passengers, between Junction U.S. Highway 276 and U.S. Highway 221, and Laurens, S.C.; from Junction U.S. Highway 276 and U.S. Highway 221, over U.S. Highway 221 for a distance of four (4) miles to Laurens, and return over the same route, serving all intermediate points.

No. MC 67024 (Sub-No. 26), filed January 17, 1962. Applicant: SERVICE COACH LINE, INC., 4305 21st Avenue, Tampa, Fla. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, between Millen, Ga., and Statesboro, Ga.; from Millen over U.S. Highway 25 (Georgia Highway. 67) to Statesboro, and return over the same route, serving all intermediate points.

NOTICE OF FILING OF PETITIONS

No. MC 117426 (PETITION FOR CLARIFICATION), filed October 26, 1961. Petitioner: HOLT MOTOR EXPRESS, INC., Philadelphia, Pa. Petitioner's representative: G. H. Dilla, 5275 Ridge Road, Cleveland 29, Ohio. Certificate No. MC 117426 authorizes the transportation of: General commodities, with certain exceptions, between Philadelphia, Pa., and points within a radius of 200 miles of Philadelphia, Pa., restricted to shipments moving to or from public warehouses in Philadelphia, Pa. Petitioner avers that warehouses located on piers are warehouses for the use of the general public, and that such warehouses are public warehouses, and requests that the matter be assigned for oral hearing at Washington, D.C.

*HEARING:* March 9, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Reece Harrison.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–8057. Authority sought for purchase by UNITED VAN LINES, INC., P.O. Box 3430, St. Louis 17, Mo., of a portion of the operating rights of GEO. B. HOLMAN & CO., INC., 151 Park Avenue, Rutherford, N.J. Applicants' attorney: G. M. Rebman, 314 North Broadway, St. Louis 2, Mo. Operating rights sought to be transferred: *Television Receiving Sets*, uncrated, as a *common carrier* over irregular routes, from Clifton and Passaic, N.J., to points in New York, Connecticut, Rhode Island, Vermont, Maine, Massachusetts, New Hampshire, New Jersey, Pennsylvania, Maryland, Delaware, Virginia, West Virginia, North Carolina, South Carolina, Kentucky, Tennessee, Florida, Ohio, Indiana, Illinois, Michigan, Missouri, Nebraska, and the District of Columbia, traversing Georgia and Iowa for operating convenience only, and from points in Bergen, Essex, Hudson, and Passaic Counties, N.J., except Clifton and Passaic, to points in New York, Connecticut, Rhode Island, Vermont, Maine, Massachusetts, New Hampshire, New Jersey, Pennsylvania, Maryland, Delaware, Virginia, West Virginia, North Carolina, South Carolina, Kentucky, Tennessee, Florida, Ohio, Indiana, Illinois, Michigan, Missouri, Nebraska, and the District of Columbia, *television transmitting equipment*, uncrated, used or useful in the installation and maintenance of television broadcasting stations, between points in Connecticut, Illinois, Massachusetts, New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia, between points in New Jersey and New York, on the one hand, and, on the other, points in Delaware, Florida, Indiana, Kentucky, Maine, Maryland, Michigan, Missouri, Nebraska, New Hampshire, North Carolina, Ohio, Rhode Island, South Carolina, Tennessee, Vermont, and West Virginia, traversing Georgia and Iowa for operating convenience only, and between points in Connecticut, on the one hand, and, on the other, points in Delaware, *television transmitting equipment, parts and accessories*, and *television receiving sets, parts and accessories*, from New York, N.Y., and points in Passaic, Bergen, and Essex Counties, N.J., to Milwaukee, Wis., Minneapolis, Minn., Seattle, Wash., Salt Lake City, Utah, Albuquerque, N. Mex., New Orleans, La., Ames, Iowa, Stockton, Riverside, Los Angeles, and San Francisco, Calif., Dallas and Fort Worth, Tex., and Portland, Oreg., and points within 150 miles of each of these destinations, except points in Florida, Illinois, Michigan, Missouri, and Nebraska, *television receiving sets*, uncrated, used for display purposes only, and *television cabinets*, uncrated, from points in the above-named destination states and the District of Columbia to points in Passaic, Bergen, Essex and Hudson Counties, N.J., and *uncrated television transmitting equipment*, between East Paterson, Clifton, Garfield, and Rutherford, N.J., and New York, N.Y., on the one hand, and, on the other, points in Georgia, Alabama, Mississippi, Arkansas, Louisiana, Minnesota, Wisconsin, North Dakota, South Dakota, Kansas, Oklahoma, Texas, Montana, Wyoming, Colorado, New Mexico, Washington, Oregon, Idaho, California, Nevada, Arizona, Iowa, and Utah. Vendee is authorized to operate as a *common carrier* in 48 states and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8058. Authority sought for purchase by CHICAGO KANSAS CITY FREIGHT LINE, INC., 1048 North Monroe Avenue, Kansas City, Mo., of the operating rights and property of CAPITOL TRUCKING, INC., 815 North 31st Street, Springfield, Ill., and for acquisition by C. J. HOFFMAN, also of Kansas City, Mo., of control of such rights and property through the purchase. Applicants' attorneys: Wentworth E. Griffin, 1012 Baltimore, Kansas City 5, Mo., and Mack Stephenson, 208 East Adams Street, Springfield, Ill. Operating rights sought to be transferred: Operations under the Second Proviso of section 206(a)(1) of the Interstate Commerce Act in the State of Illinois, as more specifically described in MC–120864. Vendee is authorized to operate as a *common carrier* in Kansas, Illinois and Missouri. Application has been filed for temporary authority under section 210a(b).

NOTE: An application will be published in the FEDERAL REGISTER in the near future as a matter directly related.

No. MC–F–8059. Authority sought for purchase by RINGLE EXPRESS, INC., 405 South Grant Avenue, Fowler, Ind., of a portion of the operating rights of HAYES FREIGHT LINES, INC., P.O. Box 213, Winston Salem, N.C., and for acquisition by RINGLE TRUCK LINES, INC., and in turn by GLEN RINGLE AND EVELYN RINGLE, all of Fowler, Ind., of control of such rights through the purchase. Applicants' attorneys: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind., and David G. Macdonald, Commonwealth Building, 1625 K Street NW., Washington 6, D.C. Operating rights sought to be transferred: *Road construction machinery and equipment* as described in Appendix VIII to the report in Descriptions in *Motor Carrier Certificates*, 61 M.C.C. 209, when moving on one bill of lading in truckload lots and on flat-bed equipment, as a *common carrier* over irregular routes from Mattoon, Ill., to points in Connecticut, Delaware, Indiana, Kentucky, Massachusetts, Maine, Maryland, Michigan, Mississippi, New Hampshire, New Jersey, New York, Ohio, Pennsyl-

vania, Rhode Island, Tennessee, Virginia, Vermont, West Virginia, and Wisconsin. Vendee is authorized to operate as a *common carrier* in 48 states and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 8060. Authority sought for control and merger by CERTIFIED FREIGHT LINES, INC., 2163 East 14th Street, Los Angeles 21, Calif., of the operating rights and property of A. S. FITZ-GERALD, doing business as FITZ-GERALD BROS., 570 Battles Road, Santa Maria, Calif., and ARROYO GRANDE TRUCK COMPANY, 201 West Brance Street, Arroyo Grande, Calif., and for acquisition by ALBERT S. FITZ-GERALD, 223 East Morrison, Santa Maria, Calif., EDWIN F. NELSON, 204 Larchmont Drive, Arroyo Grande, Calif., and EDWIN M. TAYLOR, 1029 Ash Street, Arroyo Grande, Calif., of control of such rights and property through the transaction. Applicants' attorney: Wyman C. Knapp, 740 Roosevelt Building, 727 West Seventh Street, Los Angeles 17, Calif. Operating rights sought to be controlled and merged: (A. S. FITZ-GERALD) *Urea* and *manufactured fertilizer*, as a *common carrier* over irregular routes from points in Ventura County, Calif., to Port Hueneme, Calif., and points in the Los Angeles Harbor, Calif., Commercial Zone, and operations under the Second Proviso of section 206(a)(1) of the Interstate Commerce Act in the State of California, as more specifically described in No. MC–99899. (ARROYO GRANDE) Operations under the Second Proviso of section 206(a)(1) of the Interstate Commerce Act in the State of California, as more specifically described in No. MC–120206. CERTIFIED FREIGHT LINES, INC., holds no authority from this Commission. However, EDWIN F. NELSON and EDWIN M. TAYLOR each owns fifty percent of the outstanding stock of Arroyo Grande Truck Company. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62–1013; Filed, Jan. 30, 1962; 8:48 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

[File No. 1–3848]

## APEX MINERALS CORP.

### Order Summarily Suspending Trading

JANUARY 25, 1962.

In the matter of trading on the San Francisco Mining Exchange in the common stock, $1.00 par value of Apex Minerals Corporation, File No. 1–3848.

The common stock, $1.00 par value, of Apex Minerals Corporation, being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's rule 15c2–2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

*It is ordered,* Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, January 26, 1962, to February 4, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62–999; Filed, Jan. 30, 1962; 8:46 a.m.]

[24S–1866]

## CISCO-VALLEY CORP.

### Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JANUARY 25, 1962.

I. Cisco-Valley Corporation (issuer), 405 C Street, Northeast, Auburn, Washington, incorporated in the State of Washington on October 2, 1961, filed with the Commission, on November 29, 1961, a notification on Form 1–A relating to a proposed offering of 75,000 shares, no par common stock, at an offering price of $4. per share for an aggregate amount of $300,000, for the purpose of obtaining an exemption from the registration provisions of section 3(b) thereof and Regulation A promulgated thereunder. The amended offering circular, filed January 5, 1962, reduced the offering to 65,000 shares at a total offering price of $260,000.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that:

1. The notification does not disclose the names of certain affiliates as required by Item 2(b) of Form 1–A.

2. The amended offering circular does not contain a statement of capital shares as required by Item 11(a)(1)(iii) of Schedule I to Form 1–A.

B. The notification and the amended offering circular contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The failure to disclose, in the amended offering circular, that the issuer has no binding agreement to purchase the title and equipment of Valley Mining Company, and the failure to disclose the existence of a dispute between the issuer and Valley Mining Company as to whom Valley owes royalties on its Blue Lizard Mine project.

2. The failure to disclose accurately and adequately, in the amended offering circular, the unfavorable aspects of the mining and oil properties involved, including the unfavorable past operations, the exploratory status of the venture, the location of deposits and actual ore content, and the failure to present acceptable expert opinions, as well as misrepresentation with respect to the opinions submitted.

3. The failure to disclose accurately and adequately, in the amended offering circular, all direct and indirect interests of officers, directors and controlling persons, including a description of properties and services rendered, as well as their cost.

4. The failure to describe accurately and adequately, in the amended offering circular, the equity dilution of stock issued under the proposed offer.

5. The failure to disclose accurately and adequately in the notification, pursuant to the requirements of Item 9 of Form 1–A, the sale of unregistered securities issued by issuer within one year prior to the filing of the notification.

C. The offering would be made in violation of section 17 of the Securities Act of 1933, as amended.

III. *It is ordered,* Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62–1000; Filed, Jan. 30, 1962; 8:46 a.m.]

# DEPARTMENT OF COMMERCE

## Office of the Secretary

### FREDERICK L. GRAF

### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of January 13, 1962.

FREDERICK L. GRAF.

JANUARY 18, 1962.

[F.R. Doc. 62-1001; Filed, Jan. 30, 1962; 8:46 a.m.]

### TIMOTHY A. LYNCH

### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of January 11, 1962.

TIMOTHY A. LYNCH.

JANUARY 17, 1962.

[F.R. Doc. 62-1002; Filed, Jan. 30, 1962; 8:47 a.m.]

# DEPARTMENT OF JUSTICE

## Office of Alien Property

[Dissolution Order 129]

### GUNZE SILK CORP.

### Dissolution Order

Whereas, by virtue of the issuance of Vesting Order No. 156, executed September 21, 1942 (7 F.R. 8567, October 23, 1942), and Executive Order 9788, dated October 14, 1946 (11 F.R. 11981, October 15, 1946), the Attorney General of the United States (hereinafter referred to as "Attorney General") is the owner of 20,000 shares of $12.50 par value Class A common stock and 20,000 shares of $12.50 par value Class B common stock of Gunze Silk Corporation (hereinafter referred to as "Gunze"), a New York corporation, said shares being all of the issued and outstanding capital stock of Gunze; and

Whereas, a Certificate of Dissolution of Gunze was issued by the Secretary of State of the State of New York on June 28, 1946, certifying to the dissolution of Gunze; and

Whereas, Gunze has been substantially liquidated.

Now, therefore, under the authority of the Trading With the Enemy Act, as amended, and Executive Orders 9095, as amended, and 9788, and pursuant to law, the undersigned, after investigation:

1. Finding that the assets of Gunze consist of:

(a) Cash in the amount of $72,032.16;

(b) A claim against Goro Seki, a national of Japan, in the amount of $5,157.66;

(c) Debt Claim No. 1779, filed by Gunze with the Office of Alien Property based on the ownership of $500 face value Third Mortgage Bonds of the Nippon Club, Inc.; and

2. Finding that the liabilities of Gunze consist of:

(a) A recorded account payable to Gunze Hoisery Mills, a national of Japan, of $1,294.81 and which is now owed to the Attorney General by reason of the issuance of Vesting Order No. 9854, executed September 17, 1947 (12 F.R. 6671, October 9, 1947);

(b) A recorded account payable to Gunze Silk Corporation, Ltd., a national of Japan, of $37,196.38 and which is now owed to the Attorney General by reason of the issuance of Vesting Order No. 3399, executed April 4, 1944 (9 F.R. 4830, May 6, 1944);

(c) A recorded account payable of $4,210.90 owing to Winthrop Whitehouse Co.;

(d) A recorded account payable of $85.00 owing to Bert Berenson;

(e) A recorded account payable of $19.50 owing to Miss A. V. Gray;

(f) A recorded account payable of $18.00 owing to Donald D. Leonard;

(g) A recorded account payable of $2,000.00 owing to E. Gerli & Co., Inc.;

(h) A claim allowed in the amount of $2,360.00 in favor of Forest S. Dayton;

(i) A claim allowed in the amount of $1,008.00 in favor of May Forshay;

(j) A claim allowed in the amount of $1,060.00 in favor of Mary Tuffy;

(k) A claim allowed in the amount of $300.00 to Goro Seki, a national of Japan, but which is now owing to the Attorney General by reason of the issuance of Vesting Order No. 16094, executed December 1, 1950 (15 F.R. 9022, December 16, 1950);

(l) A recorded account payable of $4,756.78 to the Attorney General for services rendered to or on behalf of Gunze from date of vesting to final winding up of the company.

3. Having determined that it is in the national interest of the United States that Gunze be dissolved, that its affairs be wound up and that its assets be distributed

*Hereby orders*, That the officers and directors of Gunze (and their successors, or any of them) wind up the affairs of Gunze and distribute the assets of Gunze as follows:

I. They shall first pay all current expenses and necessary charges, if any, in effecting the dissolution of Gunze and the winding up of its affairs;

II. They shall then pay all known Federal, State and local taxes and fees, if any, owed by or accrued against Gunze;

III. They shall then set off the claim allowed Goro Seki in the amount of $300.00, vested as aforesaid, against Gunze's claim versus Goro Seki referred to above in 1(b).

IV. They shall then pay all of the debts of Gunze to the respective creditors named and in the amounts stated in paragraph 2 above, except the debt referred to in subparagraph (k), eliminated as in III above.

V. They shall then pay over and deliver to the Attorney General all remaining cash assets and transfer, assign, convey and deliver to the Attorney General all remaining assets or property of Gunze, including specifically the claim described in 1(c) above and including after discovered assets or property, as a liquidating distribution of assets to him as sole stockholder; and

*Further orders*, That nothing herein set forth shall be construed as prejudicing any rights under the Trading With the Enemy Act, as amended, of any person who may have a claim against Gunze to file such claim with the Attorney General against any funds or property received by the Attorney General as a liquidating distribution hereunder: *Provided, however*, That nothing herein contained shall be construed as creating additional rights in such person: *Provided further*, That any such claim against Gunze shall be filed with or presented to the Attorney General within the time and in the form and manner prescribed for such claims by the Trading With the Enemy Act, as amended, and applicable regulations and orders issued pursuant thereto; and

*Further orders*, That all actions taken and acts done by the officers and directors of Gunze pursuant to this Order and the directions contained herein shall be deemed to have been taken and done in reliance on and pursuant to section 5(b)(2) of the Trading With the Enemy Act, as amended (50 U.S.C. App. 5(b)(2)), and the acquittance and exculpation provided therein.

Executed at Washington, D.C., on January 26, 1962.

For the Attorney General.

[SEAL] PAUL V. MYRON,
*Deputy Director,*
*Office of Alien Property.*

[F.R. Doc. 62-1008; Filed, Jan. 30, 1962; 8:47 a.m.]

### FRIEDA DE GORTER

### Notice of Intention to Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease

resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Frieda de Gorter, London, England; Claim No. 62518; Vesting Order Nos. 17129, 17901, 17915, and 17950; $1,444.63 in the Treasury of the United States.

Executed at Washington, D.C., on January 25, 1962.

For the Attorney General.

[SEAL] PAUL V. MYRON,
*Deputy Director,*
*Office of Alien Property.*

[F.R. Doc. 62-1010; Filed, Jan. 30, 1962; 8:47 a.m.]

## WILHELM GERARD BURGERS

### Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D.C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Wilhelm Gerard Burgers, Rotterdamseweg 137, Delft, The Netherlands; Claim No. 6775; fifty percent (50%) of the royalties received by the Attorney General for the republication of the book entitled Handbuch der Metallphysik, vol. III, part 2, by Wilhelm Gerard Burgers, plus fifty percent (50%) of any future royalties which may hereafter accrue on this work; Vesting Order No. 500A-74 (9 F.R. 7784, July 12, 1944); $132.36 in the Treasury of the United States.

Executed at Washington, D.C., on January 25, 1962.

For the Attorney General.

[SEAL] PAUL V. MYRON,
*Deputy Director,*
*Office of Alien Property.*

[F.R. Doc. 62-1009; Filed, Jan. 30, 1962; 8:47 a.m.]

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